

POSTMASTERS

ALABAMA

Troy A. Phillips, Altoona.
Grace Ward, Brent.
William Lee English, Elba.
Sister Mary Teresa, Holy Trinity.
Ruth K. Bullard, Lockhart.
George B. Pickens, Moundville.
Lillian J. Arnold, Pisgah.
Marion R. Buckalew, Roanoke.
Cora A. Lee, Town Creek.
Velma F. Todd, Wilson Dam.
Gladys M. Bomar, Woodward.
Maggie Winningham, York.

CALIFORNIA

George M. Belles, Bloomington.
Ira H. Arbuckle, Clovis.
Mary B. Janeiro, Decoto.
Dwight E. Knapp, Garberville.
Lillie Evadell Chapman, Gerber.
Lillian G. Brackett, Geyserville.
William R. Bernard, Gonzales.
Clarence Taylor Manville, Lawndale.
Claude T. Gadwood, Los Molinos.
Rose C. Tarwater, Murrieta.
Delmo Bernard Badasci, Riverdale.
Cornelius D. Mangan, St. Mary's College.
Hazel E. Avise, Walnut Creek.
Harold E. Rous, Yucaipa.

COLORADO

John Bowman, Aspen.
Christella N. Funk, Calhan.
William Jacob Pings, Carbondale.
Vernon Peiffer, Cripple Creek.
Harry K. Balvin, Elizabeth.
Martin J. Dugan, Fleming.
Arthur S. Gustafson, Fort Lupton.
William M. Jones, Hugo.
James Fenolia, Louisville.
Charles Leonard Drage, Lyons.
Dacie S. Johnson, Mount Harris.
Wright O. Ball, Meeker.
James M. McLearn, Rifle.

GEORGIA

C. Leland Paris, Alpharetta.
Virginia E. Holder, Jefferson.
D. Alton Willis, Meigs.
Seaborn H. Coker, Sycamore.

HAWAII

Solomon Burke, Honokaa.

KANSAS

Anna Gradie DeBolt, Altoona.
Charles T. Hill, Arkansas City.
Peter D. Spellman, Beloit.
Anna L. Miller, Bushton.
James B. Searle, Cawker City.
Max Montgomery, Cedar Vale.
Virgil F. Young, Clearwater.
John E. Brogan, Coffeyville.
Ada S. George, Lebo.
Albert T. Campbell, Marion.
Selma E. Kaufman, Moundridge.
Thomas J. Cummings, Jr., Ottawa.
Helena W. Anderson, Peru.
Jay T. Hill, Wamego.
Thomas E. Van Meter, Winfield.

MAINE

Anna M. McCann, Bucksport.
Francis P. Foley, Winterport.
Harry Clair Miller, Winthrop.

MISSISSIPPI

Mills T. Williams, Durant.
James T. Skelton, Goodman.

NEBRASKA

Charles Hugh Miner, Red Cloud.
Albert E. Pratt, Tobias.

OHIO

Orville T. Castor, Arlington.
James M. McClure, Ashtabula.
Earl C. Hillyer, Atwater.
Albert P. Hahn, Baltic.
William P. Ziegler, Belle Center.
Mary Costigan, Berlin Heights.
Robert Waugh, Brilliant.
Jeanette Long, Brunswick.
Joseph W. Johnston, Coshocton.
Francis P. Hayes, Crestline.
Mary Ester Dunn, Cygnet.
William E. Haas, Delaware.
Ora DeVere Blizzard, Frazesburg.
Mary J. Rosebraugh, Hebron.
Blanche L. Geiger, Lakeview.
Earl R. Leach, Lima.
Henry Beuchat, Louisville.
Herman C. Doellinger, Marysville.
Glen F. Carver, Mentor.
Roy C. Walker, Milan.
Ralph M. Connolly, Milford Center.
Fred C. Banister, New Richmond.
Nellie Y. Roberts, North Baltimore.
Irvin H. Menter, Pemberville.
Milton C. Hickman, Perry.
David K. De Long, Perrysville.
Cary B. Holycross, Plain City.
Estella Holter, Racine.
William B. Swonger, Sidney.
Chester A. Hostetler, Strasburg.
Samuel A. Smith, Sugar Creek.
John H. Petitjean, Versailles.
Fred N. Ney, Weston.

OKLAHOMA

Ernest D. Peck, Carmen.
Charles Walter Johnston, Seminole.
Frank Bailey, Vinita.

OREGON

Blanche E. North, Bonneville.
Sanford Stanley Partridge, Garibaldi.
Susie B. Dillard, St. Helens.
Rosemary Schenck, Toledo.
Roy G. Magnuson, Warrenton.

HOUSE OF REPRESENTATIVES

WEDNESDAY, APRIL 22, 1936

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Merciful and eternal God, we thank Thee for the supreme expression of divine love. It transmutes the dross of selfishness; it makes a halo in the darkness and turns its shadow into morning. We would humble ourselves under Thy hand, our Heavenly Father, that we may be exalted and be used for wise and patriotic service. Inspire us with that knowledge that expresses itself in the most helpful legislation. Be with every section of our country in these unnerving times with their blendings of sufferings and joys. We beseech Thee to fill our minds with the realities of the unseen, and may we be even contemptuous of the things that frighten the weak and wreck their souls. Move us to unrelenting labors and ceaseless endeavor to improve the conditions of our fellow men. In the name of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Horne, its enrollment clerk, announced that the Senate had passed without

amendment a concurrent resolution of the House of the following title:

H. Con. Res. 48. Concurrent resolution authorizing the printing of additional copies of the hearings on the bill entitled "The Revenue Act of 1936."

The message also announced that the Senate had passed, with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 12037. An act relating to compacts and agreements among States in which tobacco is produced providing for the control of production of, or commerce in, tobacco in such States, and for other purposes.

The message also announced that the Senate had passed a bill and concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 3531. An act to amend the act entitled "An act for the control of floods on the Mississippi River and its tributaries and for other purposes", approved May 15, 1928; and

S. Con. Res. 35. Concurrent resolution to provide for the printing of the revised edition of the Constitution of the United States of America (annotated).

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10919) entitled "An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1937, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to a bill and joint resolution of the Senate of the following titles:

S. 3413. An act to give effect to the Convention between the United States and certain other countries for the regulation of whaling, concluded at Geneva, September 24, 1931, signed on the part of the United States, March 31, 1932, and for other purposes; and

S. J. Res. 233. Joint resolution providing for the participation of the United States in the Great Lakes Exposition to be held in the State of Ohio during the year 1936, and authorizing the President to invite the Dominion of Canada to participate therein, and for other purposes.

TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION BILL, 1937

Mr. LUDLOW submitted a conference report on the bill (H. R. 10919) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1937, and for other purposes.

FARM, HOME, AND SOIL REHABILITATION A NATIONAL NECESSITY—THREE ACRES AND THRIFT

Mr. COLDEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. COLDEN. Mr. Speaker, I have little patience with the caustic and carping critics of this administration who assail the so-called "brain trust" and President Roosevelt's attempt to rehabilitate men and soil and the natural resources of our country. It is shocking to think that a program so fundamental to the happiness and prosperity of this country has been so long delayed. I congratulate the New Deal leaders who have had the courage to formulate the basic ground work of an agricultural and rural program, which, if carried out, will assure an unhappy part of our population prosperity, security, and contentment—the enduring foundation of a truly great government. I believe the "brain trusters" are launching a self-help program of tremendous value to the forgotten man, to the farm tenant who clings to barnlike hovels and chicken-house conveniences, and to the unfortunate rural people who have jumped from the frying pan of the barren farm into the feverish fire of city slums and there trapped by its baffling environment of poverty, vice, crime, and disease. In my opinion, these leaders with a vision will be memorialized in stone and story by future generations and their detractors buried in deserved oblivion.

The New Deal is making an important approach to, and a commendable recognition of, this stupendous problem of the rehabilitation of population and the resources of land and soil, rivers and forests, and the restoration of home ownership, and the reinstatement of the victims of misfortune to their inalienable rights of an abundant life, economic liberty, and the pursuit of happiness.

What a paradox, what a reproach to our present economic system that millions deprived of employment suffer for food, clothing, and modern shelter while cribs are bursting with corn and wheat, feed yards grunting with prime cattle and fat swine, storehouses overloaded with cotton and wool, and idle mechanics eager to build with overabundant materials. The prayers for help, the pleas for employment, the demand for a solution is heard in every corner of our land. This issue must be faced, this problem must be solved. The only beacon on the horizon, the only hope that lights the future is the efforts of the present administration in inaugurating new agencies to combat this blight of today's civilization.

Mr. Speaker, 50 years after my parents had departed from a landlord's acres on the banks of Spoon River in central Illinois and had purchased lands in northwest Missouri, I returned to the scene of my childhood. Approaching this fertile land with eager curiosity I met with surprise and disappointment. Few of the early family names had survived, except in the cemeteries. Thriving small towns had been reduced to a post office, an elevator, a coal yard, and a gas station. All but a very few of my childhood playmates had sought other fields of endeavor. Only three farms in our neighborhood remained in the possession of the descendants of the pioneer families of 50 years ago. Many of the early and one-time prosperous homes and churches showed signs of neglect, and others were deserted, and some had disappeared. The river was choked, the springs and lakes dry, but the ditches were deeper.

The saddest sight of all was my first schoolhouse. In the 50 years it may have been rebuilt, but there it stood as of old at the crossroads on an acre bleak and barren, devoid of a single tree or shrub. One tree would have added beauty and value to the uninviting surroundings. It scarcely seemed possible that not one teacher in 50 years had corrected this deficiency, this ugliness of neglect, this void of beauty, that could easily have been transformed by the simple act of planting a dozen trees. But these teachers without vision, without thought of posterity, were but typical of all America, that has been ruthlessly destroying and exploiting the rich resources of our country, not only here but elsewhere and everywhere, not only in central Illinois, but throughout the 48 States of the Union. We must regretfully admit that our people, all of us, have invited the floods, the erosion, the droughts, and the dust storms, and the calamities that follow.

I have often reflected and remarked concerning the striking changes in my childhood country. What occurred there was repeated in northwest Missouri, my later home. The soil has lost much of its virgin fertility. Farms have been consolidated and many happy homes have been deserted and fallen into decay. Wherever you travel in the Middle West, the North, the East, and New England, the South, you find the constant and never-ending erosion of the soil, the cancerous growth of tenancy, and the removal and the decline of the population. Somehow I am unable to disassociate rich soil, prosperous homes, and contentment, and the correlated conclusion that poor soil breeds poverty and discontent. And I draw the further conclusion that the erosion of the soil, the destruction of national resources threaten a corresponding decadence of the population and the Nation. In reviewing this problem from a national viewpoint it seems relevant to take stock of some of the contributory causes that have added to the decline of agriculture and the migration from the farm to the city.

THE RURAL SCHOOL

The country school, the humble temple of hope and destiny, has been a factor in the great emigration of the farmer boy and girl, deserting the hearth of their ancestors and departing for the glamor of the great city. Too many of our schoolbooks, too many of our urban-awed teachers, pic-

tured the charm and the attraction of city life and failed to see and to appreciate the values of rural life. Every gray-haired Member here still can see the great bridges pictured in the geography, along with tall and mysterious buildings, busy streets, mammoth packing houses without an odor, steel mills without grime, flour mills without dust, the gardened mansions minus the stench and poverty of slums. The problems of arithmetic were taken from the counter and the cash box, and rarely, if ever, did the rural teacher instruct a pupil how to measure a corncrib, a bin of wheat, stack of hay, or a field of corn or wheat. No attention was paid to the mathematics of the farm, the geography of the neighborhood, or to the domestic life of the community.

Fortunately, many rural teachers have awakened to the necessity of a revitalized rural school. Country students are now being taught the values of rural life. The school district with its farms, buildings, and orchards, its highways, streams, and bridges furnishes a vivid lesson in geography and map making at home. The roots of history are found in the neighborhood and in the biographies of the pioneers. The mathematics of the farm and the community keep busy the classes in arithmetic. The judging of livestock, the study of plant life, birds, and insects are among the interesting studies of modern rural schools. Drawing and household art and science afford an inviting field. Prof. Bert Cooper, of the Missouri State Teachers College at Maryville, Mo., has made a notable and worthy contribution to the cause of rural education along these interesting paths. Many years ago, as the first president of the board of regents of this teachers college, I was happy to have a part in the revitalization of the rural school, which I consider one of the important experiences of my life.

FARMERS ASK BENEFITS

The protective tariffs of this country have been framed to foster, protect, and to build industry. The farmers of this country have paid a large part of the burden of tariffs. The farmers have paid more for their clothing, their farm implements, and for many other commodities and supplies, on the theory that the final result would be a better market for the farmer and better wages for the worker. But we have witnessed that many great industrial enterprises did not pass their benefits on to the worker, but for years imported and availed themselves of the cheapest alien labor to be found. While the American worker has suffered, and now suffers, from this tremendous foreign immigration, the farmer has been obliged to sell his surplus in the foreign markets, competing with the cheapest agricultural products of the world.

While the A. A. A.—the Agricultural Adjustment Administration—had numerous difficulties, and in some of its applications aroused violent controversy, yet it was an emergency effort to equalize the benefits of domestic production and to give to the farmer in a different way the same benefit that the industrialists have enjoyed from their protective tariff. So one of the problems of the farmer is to secure the governmental aid that has been given to the industrial development of the country. Yet some of the great industries that have grown to be colossal enterprises from the tribute exacted from the farmer by enacted special privilege are the most bitter and persistent opponents of the New Deal program to spread the benefits of Federal legislation to all alike, to the manufacturer and to those who toil on the farm in the sun, the rain, and the snow. The decision of the Supreme Court in declaring the A. A. A. unconstitutional has obliged Congress to seek other methods to bring relief and economic justice to our rural population. The benefits to agriculture and industry must be balanced.

FOREIGN MARKETS UNCERTAIN

Another problem that presents itself to the farmer of today is the disappearance of our country's foreign markets for wheat and cotton, our two great agricultural surpluses. To depend upon selling this great surplus in foreign markets means that our farmers must be brought to the level of competition with the poorly paid labor of foreign lands, where the standard of living is far below our own. The inevitable conclusion is that we must control the surplus production of cotton and wheat, and other agricultural products, for our own use, and turn these productive areas into other crops and

uses to provide us with other necessities and comforts of which we have a scarcity. This, too, requires careful national planning.

FAIR TRADE FOR FARMERS

Some foreign markets for agricultural products can be restored by reciprocal treaties. This is now being done by the New Deal administration. Already treaties have been made that enlarge the market for farm and orchard products as well as for industry. The reciprocal program provides for a fair exchange between nations that have a surplus. This method has already increased the demand for California fruits and other products adapted to our State. Many other sections of our country have been benefited. Reciprocity means fair trade and has many possibilities in developing a wider market. Our country consumes vast quantities of tea, coffee, sugar, rubber, silk, and other foreign products, and it is a reasonable request that the beneficiaries of our great market should reciprocate by affording a market for our surpluses.

RAILWAY DISCRIMINATION

Another factor that has been a severe handicap to the farmer is high transportation costs and the railway discrimination and rebate system that existed some years ago, at the period when our country was undergoing its most rapid industrial and agricultural development. The railroads decidedly discriminated in favor of competitive points and to these points the industries flocked and consequently the population of the country. These competitive centers still retain discriminating advantages. Coupled with the practice of promiscuous and discriminating rebates, these abuses enriched some individuals and ruined others, prospered favored industries and impoverished their competitors, and built cities at the expense of their neighboring towns. If, in those days, the industrial plants of this country could have been scattered throughout the rural sections, on the plan that Henry Ford has so successfully established a number of his plants, the country would have reached a much better balanced location and distribution of wealth and population. The manufacturing plants that are established in the cities because of railway advantages, usually in the way of favorable freight rates, have brought millions of the population from the country towns to the cities. How much better for the morale of the population if these manufacturing plants could have been distributed where the working people and the population would be in closer contact with the farms and their needful production!

The factory contiguous to the farm is an ideal situation for both the farmer and the worker. Because of the less cost of land it invites home ownership on the part of the worker. It affords him a larger plot of land and, in many instances, a few acres of land with which to augment his income. It gives him greater economic independence and enables him to own a few acres with which to provide a subsistence in his older days. In any event, he is assured of fresher vegetables, fruits, dairy products, a better living from the nearby farm, and the farmer is also benefited by accessible markets. This is an important factor that should always be considered in the regulation of transportation costs. Transportation rates have a social sequence of vast significance.

THE MACHINE AND CHEMISTRY

The machine on the farm has become an important factor. It wrought a revolution in the production of wheat and cotton and created the commercialized farm. It has displaced millions of farm laborers. The new cotton-picking machine threatens to displace a large population of whites, Negroes, and Mexicans throughout the southern sections of the country. This readjustment means loss of employment to thousands, their deprivation of tenant homes, that will prove calamitous to those displaced and heap another burden upon society and government.

Chemistry on the farm joins with the machine to add new problems to the farmer's life. Chemistry not only increases the product of acreage but it affords many substitutes for the products of the farm. While the machine has a tendency in many cases to enlarge the area of the farm, chemistry has a tendency to encourage intensive farming. The raising of

vegetables by chemical substance is increasing in popularity in some parts of the country. As yet it is an unknown commercial factor, but it has possibilities that may have tremendous effects upon the future area of the farm.

SPECULATION SHOULD BE CURTAILED

One of the handicaps of the "honest to goodness" farmer is the holding of land for speculative purposes. It would be to the interest of the real farmers to establish a graduated land tax, instead of the present system. There has been a serious abuse of the fundamental principle of taxation that men should pay taxes according to their wealth. To charge the same rate to the farmer with 100 acres, who has a family to support, as against the man who has 1,000 acres, with the same sized family, or no family, is not fair taxation. The graduated tax as is now used in the taxation of incomes and inheritances is much more equitable and should be applied to real estate, not only in the country but in the cities as well. The low-income citizen with the small home or farm necessary for the use and comfort of his family is entitled to exemption or the lowest possible tax rate, which should gradually increase on larger and more expensive investments. This would not only be a fair method of taxation but it would discourage holding land in both country and cities for speculation, further discourage landlordism and commercial farming, and help the landless.

TWO KINDS OF FARMERS

The restrictions and penalties on overproduction and regulation of crops should be eliminated as far as possible from the owner of 160 acres, or a less acreage, and who lives on his farm and supports and educates his family therefrom. Whatever penalties may be administered should be levied on the absentee landlord and upon the commercial farmer as far as possible. If production is to be curtailed, it should apply to those who wring their sustenance from the farmer in the field and from the great commercial farms that compete unfairly with the dirt farmer. The so-called farmer who farms the farmer should receive secondary consideration in any governmental policy, and the farmer who follows the plow should be granted the primary aid of the Government. One of the abuses of the A. A. A. program was the distribution of too large a proportion of Government aid to the landlord and the receipt of too small a portion by the tenant and sharecropper. In many instances the landlord curtailed his acreage and production, pocketed the Government bonus, and turned the sharecropper out on the highway. This is a vicious practice.

THE RISE OF TENANCY

It is most surprising to find by the 1930 census that in the State of Mississippi more than 72 percent of the farms were operated by tenants; Georgia follows with 68 percent, Louisiana with nearly 67 percent, South Carolina with 65 percent, and Alabama closely following. In the great State of Texas, with its abundance of cheap lands, almost 61 percent of all farms of the State are operated by tenants. In the prosperous States of Iowa and Nebraska over 47 percent of the farms are occupied by tenants. In the productive State of Illinois the percentage is over 43, Missouri nearly 35 percent, California 18 percent, with Oregon and Washington following closely. Strange as it may seem, the State with the largest number of farms occupied and operated by their owners is the hilly, stony, and stumpy State of Maine, with but 4½ percent of its farms operated by tenants. The percentage of the farms of the entire United States operated by tenants was 42.4 in the 1930 census. The accumulation of large tracts of land and the growth of tenancy is a national menace that demands our profound attention.

OUR FREE LANDS GONE

A problem that confronts the American people, and one that has brought us face to face with the same problem that has troubled the people of Europe for many centuries, is that our arable public lands are exhausted and that the free homestead is no longer to be had for the asking. When our fathers and forefathers faced misfortune, or when they started out in life with few worldly possessions, they moved

westward into the rich valleys, the woodlands, and the fertile prairies. There, with strong arms and eager hearts, they carved out their homes and farms and made America the great country that it is today. But the youth of this generation, if denied this opportunity of self-help, must seek employment and serve others or purchase land, much of which is held for speculation, and assume a mountain of debt.

THE HOME A CITADEL

In these days of congested city population and the growth of tenancy in our rural sections we must not overlook the importance of home building and home ownership. The country home and the city home contribute the strong attributes of good citizenship. The unmortgaged home, with the family free from debt, is a haven of comfort, fortified against the worries of doubt and uncertainty. A vine-clad cottage with its garden, its fruit, with a few productive acres, is the best security that this or any other nation affords. It is a citadel of good citizenship. It is the foundation of the church, the school, and the State. The home is an asset in a farm that must be considered in addition to its production possibilities.

The pride of home ownership, the ability to possess, the opportunity to derive a livelihood, the change from a transient to a permanent citizen and a solid member of the community have an invaluable individual and social effect. When a citizen establishes a home he becomes interested in the activities of the community, the church, the school, the civic, and political problems. His credit increases with the grocer and the doctor, and, we might add, with the automobile dealer and the repairman. Thus the citizen becomes entrenched and has a political and social as well as an economic value. Consequently, in spite of the depressing state of agriculture, the small estate, the acre tracts, become a refuge for those who find no employment or only part-time employment in our congested cities and industries.

THE ARMY OF UNEMPLOYED

Since the unemployed constitute such a large surplus in our population, these are faced with a hopeless future in the cities, where they must become a burden to the community and are reduced to a bare existence. In these days of unemployment, caused by the depression and the machine, there is little hope for the aged, as the employers generally, year by year, are employing younger men. The resettlement program and the acres out in the open afford an opportunity for self-sustenance to a continuous growing population.

One of the most fundamental programs of the New Deal is the resettlement and subsistence-homestead plans, now under the direction of the Department of Agriculture. Ways and means are being found to aid the tenant, the unemployed, and the overaged. New methods are being introduced to restore home ownership and to rehabilitate those who have fallen by the wayside. It is a plan that brightens the horizon, that rebuilds hope in the hearts of millions who have suffered discouragement and despair.

A DIFFICULT TASK

Those now looking to the land are faced with the competition of a rural population which has been in deep distress. In many parts of the country the soil is poor and ravaged by erosion. The forests that once conserved the moisture and afforded the rivers a normal flow have been destroyed, and the country subjected to alternate droughts and floods. This is a problem that cannot be met by tenants and farmers struggling with heavy mortgages. The tenant is impelled by unrelenting necessity to pay rents that spur him to exact every dollar from the soil of his field with little or no regard to future consequences. The farmer with a mortgage is driven by the same stern compulsion. Under the circumstances, there seems to be no agency except governmental to plan a resettlement and conservation program that will assist not only the tenant and the unemployed, but the mortgaged farmer, in order that they may become the owners of a home or a farm, and be enabled to rotate crops, rebuild soil, and plan their own economy, not for a single year, as does the tenant and the heavily mortgaged farmer, but for a period of years, thereby rehabilitating men and soil.

BEGIN AT THE SOURCE

Mr. Speaker, digressing for a moment, it is my opinion that in our attempts to control floods we are like that unskilled but proud home owner who began painting his house at the bottom and worked to the top. We have built great levees on the lower Mississippi and other rivers, beginning at the bottom instead at the top. Much more attention should be given to the sources of floods. Check dams and storage basins near the source are more effective, in my judgment, than the expensive and uncertain structures in the lower lands.

A BOYHOOD EXPERIENCE

When I was a small boy on a Spoon River farm, in the State of Illinois, I had an experience that grooved itself deeply in my memory and taught me a valuable lesson on the security of American life. Our family was poor. We were farm tenants, but we had rich relatives in a nearby city. At least, I thought so in my boyhood days. About 20 miles away I had an uncle who was a millwright. He dressed the stones that ground the grain at the gristmill that served the surrounding country. If I remember correctly, he earned \$10 or \$12 per week—a princely sum to my boyhood imagination. It was a memorable holiday when my parents, my sister, and myself were invited to this lovely little home in a small town in central Illinois. I still remember the white cottage, the green shutters, the white-painted picket fence, the front yard with grass and flowers and maple trees. In the rear was a garden and vines and berry bushes and a painted chicken house, where I gathered the eggs.

Upon our arrival the village band was in the yard—uniforms and drums and horns and other mysterious instruments that were thrilling wonders to me. It was the twenty-fifth wedding anniversary of these prosperous relatives, who not only owned this delightful little home but were set up above all their neighbors and friends because they had traveled to far away Philadelphia and had attended the centennial exposition. I was privileged to remain over for a week to live and to enjoy this luxury—this little palace of white and green.

THEN MISFORTUNE CAME

Years passed away. My father and mother moved to northwest Missouri, where they purchased land on the prairies, where we all worked hard and prospered. Some years later my uncle and aunt arrived from Illinois. The mill had been closed by improved machinery and the competition from the great cities. My uncle was unemployed, a victim of the machine. He sold his little home and his furniture and with the proceeds came out to Missouri and rented a farm. He and his son purchased horses, harness, wagons, plows, and tilled the soil, but they were not successful farmers. The son became discouraged and went west to a cattle ranch in Wyoming. The uncle and aunt were disheartened. They had lost practically everything except their farm equipment. So they held another sale and now were reduced to about \$500, only a fragment of what they invested. Soon my uncle and aunt for \$150 had purchased 3 acres of stumpy hillside on which stood an abandoned log house. It once boasted of an orchard, but now the trees were grown up with sprouts and were full of worms and bugs. My father and I assisted our relatives to move to this desolate 3 acres. My heart ached as I thought of that comfortable little cottage back in Illinois and their reduction to this stumpy and worn 3 acres that held out such poor prospects.

THRIFT ON 3 ACRES

But the misfortunes of life had not defeated the hopes of my uncle and aunt. They were sturdy Pennsylvania Dutch. They repaired the house, dug out the stumps, trimmed the trees, bought a cow, a pig, and chickens, and in the course of a few years had a surplus of fruits and berries and vegetables, meat, milk and butter, poultry, and eggs. The table in that old log cabin was one of the most delectable and satisfying for miles around. It was always overloaded with good things to eat—with jam and jellies and preserves and honey and other delicacies. This old couple spent many years

in labor and contentment. From the proceeds of 3 acres of stumpy hillside land they enjoyed a security and an abundance in life that neighbors did not attain with mortgaged farms many times as large and facilities much more ample.

As I think of it now, it was a security that defied mortgages, the ups and downs of markets of the great cities, and the richest bankers of the world. It was a security built on a rock and strong enough to withstand the adversities and the discouragements of life. Resettlement and subsistence homesteads, coupled with cooperatives, occur to me to be methods of making millions secure and content and an opportunity for that abundant life of which we dream.

The demonstration I witnessed on this thrifty 3 acres convinces me that a few fat acres and simple living is a great factor in rehabilitation of the forgotten man, and that 3 acres and thrift, 5 acres and freedom, with a humble cottage, may afford plenty, comfort, content, and freedom—all the virtues of a humble home, the secure foundation of a nation. So now I welcome and approve the efforts of this administration to restore to home ownership and fat acres of plenty, those who are unemployed, and the farm tenants who must be aided to regain a foothold to prosperity and security. Such a program is a rainbow of great promise to those engulfed by the whirlwinds and dust storms of present-day life.

A NEW FARM LIFE

Low incomes and farm drudgery drove millions of our population to the great cities during and following the World War, when wages were attractive and the cities afforded modern homes and better living. It was a great relief to the farm wife, bent with an aching back with the laborious and ancient tools of her household—the mop, the broom, the tubs, the washboard, and the waterbucket. The husband labored in the fields with the same handicaps. Well do I remember those days of drudgery, pulling water with a rope and bucket from a well on a hot summer day to quench the apparently insatiable thirst of a dozen horses, 30 head of cattle, and 100 head of hogs and pigs, and this was but a chore aside from the fields. In those days the windmill pump, to me, was the most-prized invention of the ages, and deeply envied was the fortunate owner. My enthusiasm for a new deal, a new order, and a more abundant life for the farmer is rooted in my own tedious experiences in my early life.

Today the New Deal program promises a new life on the farm. There is a possibility of power to do the pumping, the grinding, wood sawing, and other chores, along with the lighting of the home, the washing, the ironing and churning, the comforts of ice for the kitchen and dining room, and the cooling fan. About 1 American farm in 10 enjoys electrification. We are far behind many nations in this respect. My recent vote for rural electrification gave me a happy thrill. With the automobile, the telephone, the radio, the daily mail, and good roads, and with the guaranty of plenty of food and luxuries of the farm, the aspect of rural life has taken on a rosier hue. It beckons back thousands who have tramped the streets seeking but not finding employment, for thousands who have been denied the necessities of food, clothing, and shelter.

HOMES FOR ALL

In addition to reestablishing a large population in farm homes of their own, and the rehabilitation of the discouraged and the unfortunate unemployed, no activities of the Government, the State, the county, and the city, would do more to restore prosperity than the building of adequate and modern homes for our people. Throughout many sections of this country, not only rural, but in both city and country, there are millions of people living in hovels scarcely fit for the beasts of the field; millions living in shacks barren of every comfort; parents and children who know nothing by actual experience of the ordinary comforts of a bathroom and the equipment of a modern home. What goal in our national economy would compare with a modern home for every family in America? "End Poverty in California" has aroused considerable derision from those who have never felt the pinch of poverty, or who have known nothing of woeful want, but a rehabilitation program with an objective of enabling every American family to enjoy the comforts of

a modern home, would be an unparalleled achievement. The Resettlement and Subsistence Homestead programs, the Bankhead-Jones bill, the Utopian and the Epic ideals, and others, point in that happy direction. If such an ideal can be achieved, ours would be a happier, a more prosperous, a more powerful America.

WOULD RESTORE EMPLOYMENT

Such a national housing program with an objective of a modern, comfortable home for every American family, a new era of "little landers", in which Federal, State, and local agencies participated, would do much for recovery. The building trade requires a large variety of mechanics and creates a demand for a very wide variety of materials, from coal scuttles to canary birds. Every industry and every commercial enterprise would share in this sort of construction—the railroads, the banker, lumberman, miner, manufacturer, along with the plumber, painter, plasterer, carpenter, and so on down to the ditch-digger. It would absorb the capital of the inventor, the materials of the merchant, and be a blessing to the unemployed, and would bestow untold benefits to our millions who are improperly sheltered.

COOPERATIVES AFFORD AID

Farmers and consumers of America have not availed themselves of the advantages of cooperatives as has been done in other countries. The dairymen of Denmark have lifted themselves from a struggling subsistence to a state of prosperity by a cooperative system of producing and marketing. A similar success is being attained in Wisconsin and adjoining States. Consumers' cooperatives have been of great aid to many people of other nations, including Sweden and Japan. The Rochdale plan in England has thrived for 90 years. It was organized with a capital of \$130 and now owns and operates approximately 150 factories and also tea plantations in far-away Ceylon. Farmers in the Northwest are operating hundreds of cooperative gas stations. "Production for use", a cooperative plan to aid the unemployed of California to self-help, has many earnest advocates. The various phases of the cooperative movement are now receiving growing attention and promise much to the future farmer as well as to the consumer and the unemployed. The cooperative is certain to find a fixed and important place in our future economy.

THE DESTINY OF NATIONS

Land and water determine the destiny of nations. Blessed is a country like ours with abundant acres of fertile soil, innumerable forests, and immeasurable deposits of coal, iron, copper, oil, and other minerals that are required by an industrial civilization. The time has arrived when we must take note of the tremendous waste that has accompanied our development.

Other nations have made notable advances in the rebuilding of natural resources. The French, the Germans, the Danes, the Hollanders, and the Japanese have made marked strides in the conservation of the soil. One of the principal reasons for the prosperity, the patriotism, and the happiness of the French is due to the ownership of the land and the persistent conservation of the soil by the farmer dating back to the revolution in France. One of the contributing causes of the poverty and the degradation of the Chinese and the collapse of ancient nations has been the denuding of the hills and the mountains of forests, with resulting erosion; the waste of the topsoil and the alternating droughts and floods that have devastated the valleys and have destroyed the lives of millions. France and China represent the most vivid contrast of conservation, home ownership, patriotism, and prosperity on the one hand, and natural waste, tenancy, national indifference, and helpless poverty on the other.

Unemployment, tenancy, and the depletion of our national resources are three plagues—economic afflictions gnawing at the heart of individual independence, self-help, social security, and the liberty and patriotism of America. A program of reconstruction on a national scale, reforestation, the defeat of droughts and dust storms, checks and dams to con-

trol our floods, production of power, rural electrification, the building of decent homes, parks, and playgrounds; the development of small security estates, so that every American may live decently, is a momentous but a thrilling task. Such an undertaking requires national planning, pioneers with brains, vision, and courage. Thoughtless partisans may sneer and dub them "brain trusters" but these are the prophets of a new order leading the way to the rescue of neglected millions from poverty, decadence, and anarchy, and future generations will exalt their achievements to a secure place in the pages of our Nation's history.

Mr. MITCHELL of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 20 minutes.

THE DEMOCRATIC PARTY IN ILLINOIS

The SPEAKER. The gentleman from Illinois [Mr. MITCHELL] asks unanimous consent to address the House for 20 minutes. Is there objection?

There was no objection.

Mr. MITCHELL of Illinois. Mr. Speaker, I am very happy to have this opportunity to appear before this body and address you this morning. This is the first time since I have been a Member of this House that I am asking this privilege. I come now because I believe I am justified in asking for this time.

During the past 3 or 4 months we have heard a great deal about what the New Deal program is doing to the country. If we are to believe the reports that have been made to us by the gentlemen to my left—Republicans—the country is already ruined.

We have watched the taking of a straw vote by the Literary Digest, and we have watched the reports that have come through the great metropolitan press of this country, and all of this has been an effort on the part of Republicans to show that the Democratic Party has made a miserable failure of its job of handling the Government of the United States; but last Tuesday was a memorable day in the great State that I represent, the great State of Illinois, the common people, the voters gave the world the truth. We told the world exactly what the American people think of the Democratic Party and our great President.

We did not have the Literary Digest to speak for us last Tuesday. We did not have the great metropolitan press last Tuesday, neither did we have the representatives of the great wealth of this country, but we did have the common people of that great State [applause]; and since those people have spoken, I believe that those who would misrepresent us are inclined to be a little more careful about their statements regarding where the country has been led under the leadership of the Democratic Party.

I have heard those who have defended the Democratic Party stand here and refer to the reports that we have seen in the financial sheets of our great dailies, which have always been in contradiction to the editorials, and to the news items that have been handed the public by those papers that would like to destroy the program of the Democratic Party; but last Tuesday, when the people of the great State of Illinois marched to the polls almost two and a half million strong to register their decision and to tell the world what they think of the New Deal, it was our great President of the United States who headed that ticket and who received more than one and a quarter million votes out of two and a quarter million votes. [Applause.]

They may try all they please to explain this away, but they cannot do it. Let me relate the story of a school happening. It is said that on one occasion there was a teacher who wanted to test the attention of the children to the work that was put on the blackboard and she asked the children to call out certain numbers. One child called out 16 and the teacher put down 61 and went on. Again a child called out 21 and that was written 12 and the teacher went on. There was one little boy in the group who seemed to be paying no attention to what was going on, and finally he was asked to call out a number and he called out 22 and said, "Goll dern you, let me see you take that one and turn it around." [Laughter and applause.]

I say to my friends on the Republican side we would like to see you take the action of the great State of Illinois as it was handed out to the public last Tuesday and "Goll dern you, turn that around."

THE REPUBLICAN PARTY FAILS THE NEGRO

I have heard a great deal said here about the sanctity of platforms. It is an easy thing to talk about. I represent a group of people who, during a period of 60 years, the only things they have got from the Republican Party were beautiful promises made by a platform that they knew was made to be broken. For more than 50 years my people have been almost solidly registered in the Republican Party. It is only during the past 4 or 5 years that Negroes have found that the Democratic Party is a safe place to live and vote.

During all this time we were told by the Republicans that we had been freed by the Republican Party; that Lincoln was elected to the Presidency of the United States for the purpose of liberating the slaves; and because of that doctrine that was preached to us year in and year out we developed into an almost solid Republican block of voters in this country.

Now, I have taken the trouble to bring to you the platform that Lincoln was elected on, and to bring to you Lincoln's inaugural address showing that there is absolutely no truth in the statement that Lincoln was elected President of the United States for the purpose of liberating the Negro slaves.

I read from his own address:

Apprehension seems to exist among the people of the Southern States that by the accession of a Republican administration their property and their peace and personal security are to be endangered. There has never been any reasonable cause for such apprehension. Indeed, the most ample evidence to the contrary has all the while existed and been open to their inspection. It is found in nearly all the published speeches of him who now addresses you. I do but quote from one of those speeches when I declare that "I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so."

I want to read you a plank from the Republican platform in 1860:

That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depends; and we denounce the lawless invasion by armed force of the soil of any State or Territory, no matter under what pretext, as among the gravest of crimes.

I say again there is absolutely no truth in the statement that he was elected to free the Negro slaves. It might have taken the Negro a long time to find out the truth, but, my friends, the vote in Illinois last Tuesday by the Negroes tells the Republican Party that it no longer has that vote in its vest pocket. [Applause.]

I think you will be interested in hearing an experience of my own. About 1928 I went to a great Democratic leader in this city and said, "I want to know what will be the attitude of the Democratic Party toward the Negro voters in 1932." I could see that the political situation was changing and that the Democratic Party was marching to power; dumb and unacquainted as I was with politics, I could see the stupendous blunders the Republican Party was making, and that the American citizens would not stand for it.

So I went to see this gentleman to talk to him about the consideration of that party to the Negro, and I believe you will bear with me when I quote the exact conversation that took place between us. I said to this gentleman, "I have come over to find out what the attitude of the Democratic Party will be toward the Negroes in 1932." He looked at me and said, "I am glad to talk to you about that subject." We were both seated in his office over here in the National Press Building. He said, "To begin with, I say to you that the Democratic Party does not owe the Negro a damn thing." I stood there, almost ready to sneak out of the office, because I did not know what was going to follow. I am merely quoting the words the gentleman used. Before I could

sneak out of the office, he turned and said, "The Republican Party owes the Negro a hell of a lot, and will not pay him." He continued, "Now, politics is a cold-blooded business. For 50 years the Republican Party has had the Negro vote in its vest pocket, and have not you learned that nobody tries to catch the fish that he has in the basket or in the pail? When we go fishing, we go after the fish in the pond, those that are in the lake or the river, and as long as any party can boast that it has the Negro vote in its pocket, you may expect no consideration from that party, and you can expect less from the party that you have never affiliated yourselves with or attempted to work with." That opened my eyes, and I immediately began to work for the Democratic Party and to bring into the Democratic Party as many of my people as I could. In 1932, when Franklin D. Roosevelt sought the Presidency of the United States, I was chosen by the National Democratic Committee to trail Mr. DePriest, my predecessor in office, to speak for the Democratic Party everywhere that he spoke. During that campaign we were able to bring to the folds of the Democratic Party 60 percent of the Negro vote in those States where Negroes can vote. [Applause on Democratic side.] It is no longer true that the Republican Party has the vote in its vest pocket, and they are learning that that is not true.

My friends, I want to talk to you about the campaign that we are about to go into. I have just done some work for the national Democratic Party. I have been busy compiling statistics to be used in this campaign, and I find that in 23 States, where we expect to wage a campaign for Negro votes, where Negroes are permitted to vote, and where their votes are counted, we have more than 2,400,000 Negroes who can vote in this election. We expect to wage a campaign and to show the Republican Party, that has abused the Negroes more than it has abused this country, that we stand politically emancipated, and we are going to give the Democratic Party and the great President that I love so dearly the largest vote that any Negro group has ever given a President of the United States. [Applause on the Democratic side.]

I am not unconscious of the fact that in this country we carry a tremendous burden. I know that the white people of this country are burdened, and I want to tell you a story in that connection. I was in Boston a great many years ago, and I attended a meeting where they were celebrating the landing of the Pilgrim Fathers. I listened with a great deal of interest to the many speeches delivered on that occasion. I heard the great men of the State of Massachusetts stand up and tell the public about the hardships and the sacrifices and the struggles made by those who landed at Plymouth Rock and founded the Massachusetts Bay Colony, and after all of these speeches had been made a woman got up and said, "I have listened with a great deal of interest to all of the speeches made by the men. They have told you of the sacrifices they made, they have told you of the struggles through which they have gone, and they have told you what they endured, but I come to tell you that the women who came over with these men not only endured all the men endured but they have had to endure the men along with it." [Laughter.] And I say to you, my friends, that the Negro race which I represent has not only had to endure all that you have had to endure but we have had to endure you along with it. I say that with the kindest feelings, I thank God that there is no bitterness in my soul against a single individual in this world. I pity that person whose heart is so wrapped up in ignorance, prejudice, and race hatred that he cannot see real manhood and womanhood, whether it be wrapped up in a black skin or a white skin. [Applause.]

I have dedicated myself to the task that has been given me here in this Congress, and I realize that it is a technical task. I came here to sit on the Democratic side of the House, when no Negro ever before had that privilege or responsibility, and I say to my colleagues, every one of you, that you have treated me like a man. I have absolutely no complaint to make. You have received me with open arms, you have rendered me that cordial support and help that every new Congressman needs. No group of men could have been

more considerate than you have been of me, and I take it not as a compliment to myself but I take it as a compliment to the race that I represent—a race that you know has borne the burdens of this country without complaint, and which, I contend, is entitled to full and equal protection of the law. I here and now raise my voice against all forms of racial discriminations and ask that my people be treated no better and no worse than the other races of this country.

ANTILYNCHING LEGISLATION

There is not a man in this House but who knows how strongly I oppose lynching and how deeply interested I am in the early passage of a bill which will make this crime punishable by a Federal law enacted by this Congress.

I know much progress has been made in the way of removing prejudice and securing support for this legislation. I shall continue to work for the passage of this bill and for the passage of other bills which I have introduced that have for their purpose removing injustices from which my people now suffer.

I stand here and ask you, speaking to the Congress of the United States, will you not be considerate of the Negroes of this country, whether they live in Massachusetts or whether they live in my native State, the State of Alabama.

I believe our general trend is upward; that we are making progress. I thank God that I was brought up at the feet of that great statesman and leader, Booker T. Washington. [Applause.] I am a natural born optimist. I do not believe we are going backward. I do not believe we have a single problem in this country that we cannot solve. I am insisting that we apply brains and thought and patience and indulgence and absolute justice to these problems, and I believe every one of them will eventually pass away.

Mr. Speaker, I have a short editorial that I would like to read. This comes from a paper in Alabama. It is one of the bright lights that has encouraged those of us who are fighting for our people and for human rights in this country. This comes from the Anniston Star and was published immediately after my election. With your permission, I am going to read it:

NOTED ALABAMA NEGROES

The people of Alabama generally should view with pride the achievements that have been made recently by two Negroes in the realms of music and politics. Both William Dawson, the Anniston musician, and ARTHUR W. MITCHELL, who is to be Congressman from the First Chicago District, the richest in the United States, got their inspiration to high achievement from Tuskegee Institute, which also has given to the world of science that great genius, Dr. George Washington Carver.

William Dawson is director of music at Tuskegee. A few years ago he was shining shoes here in this city, but on Wednesday evening of last week he had the pleasure of hearing the Philadelphia Symphony Orchestra, conducted by Leopold Stokowski, one of the world's greatest, give the premiere performance of his fine musical composition, "Negro Folk Symphony No. 1", which has been widely acclaimed by critics who say that Dawson has genuine creative talent.

Dawson's triumph seems to verify a statement that repeatedly has been made by the Anniston Star—that the first genuinely great American music would be written by a Negro. We do not know whether the composition in question will qualify in this respect or not, but we still are of that opinion; for it has been observed that no people ever produce a great music until they have suffered, and the mental, spiritual, and physical hardships that the American Negro has undergone eventually will be expressed in terms of music, whether Dawson has done so or not. As great an artist as Lawrence Tibbett stated recently that the best singing he has ever heard was that of a Negro chorus in Birmingham. The race is peculiarly gifted in the art of song and if they once are educated we may expect from them a large contribution to American culture.

The reason that we rejoice in the election of MITCHELL to Congress is because he defeated the despicable Oscar DePriest and seems destined to keep his feet on the ground, recognizing that he can help his race only in proportion as he works with and not against the dominant race on this continent. Mitchell says that as long as his predecessor was in Congress he worked almost exclusively in the interest of his own people, although there are both whites and blacks in his district. The Democrat promises that this sort of discrimination shall be ended and that he will serve his constituency regardless of race, color, or previous condition of servitude.

There will, of course, be shortsighted white persons all over the country who will resent the election of a Negro to Congress. But the Anniston Star does not share this view. We believe it would be well if we could have one or two Negroes of the Mitchell type

in every State legislature to speak for their race. Indeed, there is probably not another civilized country in the world where a minority race as considerable as is the Negro race in America is given so little opportunity for self-expression. They have rights that should be recognized and the white race is hurting itself as long as those rights are denied in the various channels of social control.

It was Edgar Gardner Murphy, the great Alabama preacher and social worker, who made the statement several years ago that no graduate of Tuskegee had ever been accused of a crime against a white woman and we believe the statement holds good to this day. Certainly Booker Washington, one of the greatest Americans of all time, did a big work there and his tradition has been carried forward by Dr. Robert R. Moton, who is honored by such men as Dawson and MITCHELL, and whose proposed retirement as president of Tuskegee is to be deplored.

I say to you that you control this country, but in the language of Booker Washington it is incumbent upon your shoulders to be absolutely just and fair to every race and to every people that live under this great American flag. Mr. Washington used to say—and I repeat here—that the

Law of changeless justice binds the oppressor with the oppressed and as close as sin and suffering joined they march to fate abreast.

No hardship can be worked on any group of people in this country without reacting on the group that works that hardship. I know we are approaching a better understanding in this country. The very fact that we have been treated so cordially, that the requests we have made of this Congress and the President of the United States—and I have seen him and talked to him on many occasions—the very fact that those things have always been handled cordially and respectfully and been handled favorably by those who were in power tell me that we are approaching the day when these things will be settled and settled right.

I know you realize, as I do, that no great question can be settled until that question is settled right. It matters not what we think or what we do; there is a God that presides over the destinies of men; and there is no escape from that sentence or from that decision that He reaches, which must, in the final analysis, be the decision that will triumph.

My friends, I say to you that my race which I represent here appreciates the fine work that our great President has done and that this great Democratic Party has done for suffering humanity during the past few years. As I read the platforms back in various years and see the beautiful promises that my Republican friends have made to my people and then led us dumb and hopeless and voted us and took the offices and went on and forgot us until they wanted us to vote again; and then when I see what the Democratic Party has done and how you have opened bureaus, how you have invited cooperation from all over this country to settle this question amicably and with a larger degree of justice than we have had under the Republican Party, I say that you are our friends; and I hail you as our friends today. I know we are approaching better times and a larger degree of racial justice.

I do not lose patience because we are not doing this thing as rapidly as we would like to do it. I am a student of history. I know how long the white women of this country stood at the doors of you white men and knocked and begged you to let them vote. Quite a change has come over this country. As I look over this House I see women sitting side by side with us. As I look into the Senate I see women there who 30 years ago could not even vote. I look at the President's Cabinet and I see a woman sitting in the President's Cabinet. They tell me it took a century for these women to achieve the success they have achieved in that respect. If it takes a century to do what we would like to do, I still believe that that time will come, and I believe I will live to see the day when we will have the same rights in all of these States that are given all of the other citizens because we are loyal. [Applause.]

Mr. Speaker, let me close these remarks by using this quotation from Laurence Hope:

Men should be judged not by their tint of skin,
The gods they serve, the vintage that they drink,
Nor by the way they fight, or love, or sin,
But by the quality of thoughts they think.

[Prolonged applause, with all Democrats standing.]

The SPEAKER. The time of the gentleman from Illinois [Mr. MITCHELL] has expired.

RURAL ELECTRIFICATION

Mr. SCHNEIDER of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.
There was no objection.

Mr. SCHNEIDER of Wisconsin. Mr. Speaker, the welfare and happiness of millions of American citizens are involved in the rural electrification bill. Practically everybody enjoys electric light and power service in our cities, but only 800,000 farm homes are electrified. The remaining 6,000,000 farms are without this essential service. These farmers must grope their way in the dark and read with inadequate kerosene lamps. By Presidential order, a temporary Rural Electrification Administration was created early last summer. It was given \$100,000,000 to be loaned to farm cooperatives and similar nonprofit organizations for extension of electric service into rural communities. The legislation which we now have under consideration provides that this organization be continued for a 10-year period and authorizes appropriation of \$50,000,000 for the first year and \$40,000,000 for each succeeding year for loans to build power lines, to set the poles, and string wires to farms.

Under this program it is not necessarily contemplated that as a rule the cooperatives and other distribution units will make their own power. They can buy it from municipal or private utilities wherever suitable prices can be secured, although, if it appears practicable and necessary to construct their own plants, money may be obtained for that purpose. Bulk production and distribution of electric energy in most cases results in cheaper rates, and this legislation aims to give the farmer the advantage of these rates.

The bill does not provide for any grants or gifts, but requires that the money be paid back over a 25-year period, with interest at 3 percent. Loans for wiring of houses, purchase of electrical appliances and equipment and plumbing fixtures are also authorized. The proposed legislation provides that these loans may be made to any distributing cooperative or municipal unit organized under this law, or to any person, firm, or corporation supplying or installing the wiring, appliances, and equipment.

The need for this legislation is demonstrated by the fact that only about 10 percent of our American farms now have this essential electric-power service. In Japan and France 90 percent of the farm homes are electrified, while in Sweden the percentage is about 50 percent. The highly successful publicly owned Ontario power system gives service to a much larger proportion of the rural communities. This is done in Ontario at lower rates, in country similar to ours, although conditions are not so favorable, because the territory is more sparsely settled than many of the farm communities in the United States.

One of the reasons rural electrification has lagged in this country has been due to the fact that our utility organizations are largely privately owned. These private companies have been disinclined to extend service to rural sections, especially those not thickly populated. Interested only in the largest possible profits, they apparently want only the cream of the power business and have served only the best territory.

Farmers are required to pay the cost of the lines within a period of 3 or 4 years. The company then owns the lines, and the farmer continues to pay high rates based on the increased capitalized value of the equipment which he paid for in the first place. Under the R. E. A. program the farmer, when he pays for the line, owns it, and does not have to continue to pay tribute to the Power Trust.

Utility construction shrank from about \$920,000,000 in 1930 to \$100,000,000 in 1934. Since the Government has encouraged farm cooperatives and similar groups to build their own lines, thus giving themselves the advantage of a low rate, the companies have changed their attitudes and in many places they are now offering special inducements to farmers to sign up with them and thus defeat the R. E. A. program.

Mr. Speaker, this brings me to the subject of the drastic change made in this bill since it was approved by the Senate

and brought to the House for action. The private utility companies now want to grab this Government money, originally intended to be loaned to the farmers' own organizations to extend electric service where the corporations have previously refused to give service.

Not content with the great doles which business has received from the Reconstruction Finance Corporation, the Power Trust is now reaching for this money originally intended for agricultural people to enable them to bring to the agricultural workers that burden-lifting servant—electricity. I am utterly opposed to the action of the House committee in letting down the bars to enable private corporations to participate in this program. I hope that the conference committee of the two Houses will recommend restoration of the original bill, under which the money will be available only for farm cooperatives, States or municipalities, power districts, and other nonprofit organizations.

Farmers, their wives, and families are entitled to this service. It should be possible for them to discard the kerosene lamp and hot cook stove. To them electric-power service is even more important than to the city dwellers. It will pump their water, grind their feed, separate the cream, and perform numberless other chores which now make farm life burdensome.

Private companies have failed to provide this service. Due to payment of high salaries, expensive advertising, and propaganda campaigns, and excessive service charges of holding companies, electric power, drawn from our natural resources, has been denied to the farmer. If he is to get it in the future, at rates which he can afford to pay, it must come through his own nonprofit organizations.

What would the opponents of this legislation do? Would they permit the private power monopoly to continue to deny electric service to the American farmer. Monopolistic practices of the privately owned utilities and their determination to maintain high rates, to bring a return upon alleged capital that never was invested, have made this legislation necessary.

The manner in which publicly or cooperatively owned utility systems can give good electric service at rates far below those charged by the ruthless Power Trust is well illustrated by the experience of two of the leading cities in my congressional district of Wisconsin.

In Manitowoc, a city of over 25,000, the electric plant and distribution system was purchased by the city and placed in charge of a nonpartisan public-utilities commission in 1914. The purchase price was \$146,000 and general city obligations, issued to pay for the plant, were all retired 2 years ago. The plant was replaced a few years later at a cost of \$110,000 and yet there has been returned to the city treasury from profits of the utility a total of \$536,794, amounting to \$355,787, more than the original investment from general city funds plus the interest paid for a few years until the utility could assume this burden.

The city of Manitowoc no longer pays tribute to the Power Trust. With the local utility on a sound financial basis, they are able to charge rates far below those in force in the 13 other cities in Wisconsin with populations ranging from twenty to fifty thousand and served by private companies. A recent table prepared by the Wisconsin Public Service Commission shows Manitowoc charges 70 cents for the first 20 kilowatts, while the rates of private companies in the other 13 cities run from a minimum of \$1.24 to a high of \$1.78 for the same amount of power. Consumers of larger amounts of electric power enjoy even more favorable rates when compared with those charged by the private power monopolies.

The city of Kaukauna, population 6,581, purchased its power plant in 1912. All money advanced by the city has long since been repaid. Nearly \$300,000 has been paid out of profits of the utility at various times for city improvements, including the municipal building, municipal garage, bridges, and fire-fighting equipment. Kaukauna has a much lower rate than any city with privately owned electric companies of the five to ten thousand population class, although some other cities with municipally owned plants have lower rates.

In addition to the city of Kaukauna, this plant serves the neighboring village of Little Chute and owns 60 miles of rural lines, serving over 200 farm customers.

Electric power service lightens the burdens on the farm. Those engaged in agricultural pursuits are anxious to secure this service and are cooperating in every way when they see a chance to get electricity at rates that they can afford to pay. Experience both in Wisconsin and throughout the country shows that this service can be made available to rural communities at reasonable rates by municipal power plants or co-operative organizations. The rural electrification program should be approved as originally planned by that great fighter for adequate and reasonably priced electric service, Senator NORRIS, of Nebraska. We must resist every attempt of the Power Trust to sabotage and defeat this plan to bring that great necessity, electric power, to American farms.

PERSONAL PRIVILEGE

Mr. ZIONCHECK. Mr. Speaker, at this time I rise to a point of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. ZIONCHECK. Mr. Speaker, I received confidential information by telephone about 2 weeks ago that I was to be framed by the Department of Justice, the great G-man. It raised a question of reasonable doubt in my mind. I did not think they would be quite that bad.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. ZIONCHECK. This morning, Mr. Speaker, I received a letter from Jackson Heights, N. Y., dated April 18, 1936, which tells about the G department and how this party has deciphered their telegrams. On the third page of this letter there appears a deciphered telegram. I will give the code if the Speaker wants me to, but it does not mean anything to anyone.

4/21/36 Dick Tracy: N. Y. Daily News:

Key T: 4-7-13-

6 x 7 backwards downwards.

AT-IRA-ON-AM-EAR-Tek-COPS-GUN-REAL-MAY-TAP-RAT-AT-BAR

add: see letter Z in Smitty: (Zing)

see word ZION in face of ATHNEL.

see checkered shadow right beneath face on coat of Tracy
ZION -CHECK ered."

Mr. Speaker, I do not care whether they shoot me or not, at least I will take it standing up any time they want to come up and get started.

The SPEAKER. The gentleman will first state his question of personal privilege. The Chair will rule upon that, then the gentleman, if he is in order, will have an hour. Has the gentleman stated his question of privilege?

Mr. ZIONCHECK. I have stated the question of privilege.

The SPEAKER. The gentleman is familiar with the rule.

Mr. ZIONCHECK. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include this entire letter in the Record together with an article from Harper's Magazine of January 1936, which has been called to my attention after this request.

The SPEAKER. Does the gentleman withdraw his question of personal privilege?

Mr. ZIONCHECK. Yes; I withdraw the question of personal privilege.

The SPEAKER. The gentleman from Washington asks unanimous consent to revise and extend his remarks and to include therein the letter to which he has referred. Is there objection?

Mr. BLANTON. Mr. Speaker, with the understanding that the letter in no way involves any other Member of Congress, I shall not object.

Mr. ZIONCHECK. I do not think it does.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The letter is as follows:

HANS OMENITSCH,
35-45 EIGHTY-SECOND STREET,
JACKSON HEIGHTS, N. Y., April 18, 1936.

Representative ZIONCHECK,

Washington, D. C.

HONORABLE SIR: Permit me to compliment you on your courageous stand in the Department of Justice matter.

You are on the right track.

A criminal system of codes is operated daily in the press by the real masters of the country, who not only control the press and the politicians in power but who also control and direct the so-called "red" movement (international) as a sham to hide their real operations.

This group is in a conspiracy against the people and the country. My work in exposing this group dates back to February 1935, and I have most diligently informed the Department of Justice and Director Hoover of the Bureau of Investigation since then with no other result than that the code is frequently changed.

I shall herewith list concrete proofs of the operation of this code, and would appreciate an opportunity to appear before the House and the Senate.

It will be a hard fight to force this issue, but you owe it to the people on your oath of office.

The exposure of this code was at stake in the Lindbergh case; that is why no amount of the people's money was spared to suppress the real solution and to close the case by executing Hauptmann.

Through tireless search for the past 14 months I have found the master key to this code, and, since it was operated in the press, it is on record, and we can now read history backward and once more set the people free by exposing the financial piracy which has enslaved them through the operation of this criminal code and through which criminal operation all the wealth of the world was concentrated into the hands of this group.

All they need now is a dictatorship to protect their plunder, and for this reason they are fostering and directing the "red" movement in order to suppress it in due time in the guise as the saviors of the Nation.

America, awake!

EXPOSÉ OF CRIMINAL CODES OPERATED DAILY IN THE PRESS

Data: 4/8/36 N. Y. Journal, SEEIN'STARS:

trans: key T:8x20 forward:

TEN-HAS-LOT-RAT. (TEN=T. E. N. murdered 4/10/36)

4/9/36 N. Y. Daily NEWS, Dick Tracy:

trans: key 80: (see SEEIN STARS 4/8)

key 3x11x13 backwards 8x10

YOUR-LT-DOES-POOR-A-MOOR-IS-13

superimposed in this code: T:G-T, M-N, S-H, Y:B-Y, C-X,

D-W, M:N-M, A-Z, N-M

forming word: Nancy

forming initials: or letters: G. S. T. C. M. M.

C. A. H. ys.

4/13/36 Dr. CONDON'S Telegram to Major FREEMAN:

14x26 forward regular and space: key T:

HAD-ORNE (NERO) on= W= in dad get G=H-

(Had Nero on wire indeed get G. H.)

superimposed: FIGHT—reverse A: W-fight -H

superimposed: trans: backwards downw: 53x5 cue in SEEIN STARS 4/18/36.

GAG-BOT-ROPE-Era-NEO-MAD-AT-DAD-NEW-FOE-Won

-ELLA let-MARGE-

4/16/36 New York SUN: Titterton note: directions to Mrs. G.

ST. CLAIR MULLIN MANSBRIDGE at 12 ST. LUKE'S PLACE

Key T: 8x12 downward:

HEAT-TO-78-GAT-RIP-WUND. (7-G and 8-H)

4/17/36 N. Y. Journal, SSEIN'STARS:

key 1700 Seein'Stars 4/18

key 17x10 downw:

DO-ART-CAR-HOT-NO-SEA-NORA-LONE-OR

(ART-HOT- see NERO) (meaning art suspected)

4/18/36 N. Y. Journal, SEEIN'STARS:

key T: forward: 13x14

DIP-TOP-SEC-1-TO-TEN (possible reference to stock markets: all markets declined since then)

4/18/36 HAROLD TEEN, N. Y. Daily News:

no key: backwards:

RAP-TOOL-AT-SO-GO-BOAT.

4/18/36 DICK TRACY: N. Y. Daily News:

Key T: Backwards-forward 8x8

NERO - MOB - IN - FOG-ROB-LEROY-APT-RAT-IN-IT-ARE-A-GOY.

Nero Mob in Fog rob Leroy Apt are in it. A. Goy. (Hebrew for Christian)

superimposed: YAGO-RTZH-RITZ

4/20/36 DICK TRACY: N. Y. Daily News:

key 3x19 backwards downwards:

NEW-ANT-LET-OF-A-GOY. New ant let off, a GOY (see D. T. 4/18)

4/20/36 N. Y. Journal, SEEIN' STARS:

Key T: 8x26 forward:

LIE-BUM-ART-DO-AS- RENO -ON-IT-LIT-ON-PAR-TO-AS-
SVER (reverse)
NERO (answer)

WORIT-COD-NU-A-GONN

Lie, Bum Art, do as Nero, answer or reverse, Worried new code gone again.

4/21/36 DICK TRACY: N. Y. Daily News:

Key T: 4-7-13-

6x7 backwards downwards.

AT-IRA-ON-AM-EAR-Tek-COPS-GUN-REAL-MAY-TAP-RAT-AT-BAR

add: see letter Z in Smitty: (Zing)

see word ZION in face of ATHNEL.

see checkered shadow right beneath face on coat of Tracy ZION -CHECK ered.

SUMMARY: SAME CODE and KEY: Dr. CONDONS TELEGRAM

SAME CODE and KEY: NANCY TITTERTONS note written at direction of Mrs. G. ST. C. M. Mansbridge.

SAME CODE and KEY: DICK TRACY, N. Y. News.

SAME CODE and KEY: SEEIN' STARS, N. Y. Journal.

Word NERO: Condon Telegram 4/13/36

Word NERO: SEEIN' STARS, 4/17/36

Word NERO: DICK TRACY 4/18/36

Word NERO: DICK TRACY 4/20/36

The word "NERO" stands for number "666" the number of the beast in Revelation: 13:18.

NERO represents one man: THE MASTERMIND of the INTERNATIONAL PIRATES.

No doubt he can be found in WALL STREET. And again no doubt that he serves a SUPER NERO. "THE HOUSE OF ROT-SCHILD."

Respectfully

HANS OMENTITSCH

P. S. PLEASE INFORM THE PRESIDENT OF THIS IN PERSON!

[From Harpers, vol. 172, p. 236, January 1936]

SHOOT TO KILL?—A NOTE ON THE G-MEN'S METHODS

By Howard McLellan

I

The most recent applications of the police doctrine of "shoot on sight and shoot to kill" were the annihilation last September of the young New Orleans surgeon who assassinated Senator Huey P. Long and the killing a few weeks later of a New Jersey farm woman by deputy sheriffs seeking to serve upon her husband a court order citing him for contempt. They were horrifying examples of the application of a doctrine which has been translated into deadly action many times during the past few years, at a cost which has been lost sight of in the melodramatic atmosphere which surrounds the taking of human life by violent means.

There is, for instance, the case of the unlamented John Dillinger. In doing away with him the doctrine of shoot on sight and shoot to kill was translated into action by officers of the Government with wide approval from the public. But of the costly aftermath no reckoning has been made.

No doubt about it, Dillinger was a bad man. Public approval was vociferously bestowed upon the Government police agent who gave the signal to kill him outside the little motion-picture theater on Chicago's north side. Branded as America's public enemy no. 1, after Alphonse Capone of the same city had forfeited his right to the title by being convicted of an income-tax evasion, Dillinger had become a symbol of diabolical evil in human form; and when news reels flashed upon the screen photographs of his bullet-pierced body audiences manifested their hate of him and their approval of his slayers by shrieks, clapping of hands, whistling, and stamping of feet—somewhat as audiences in Roman amphitheaters expressed themselves when Christians were thrown to the lions. The hero of these demonstrations, the antithesis of public enemy no. 1, was a little, square-jawed man (and a lawyer, by the way) named Melvin H. Purvis, who was special agent in charge of the Chicago office of the United States Department of Justice. Mr. Purvis had not actually fired at Dillinger. His 12 or 15 men had done the firing. Mr. Purvis had merely clenched his hand and the firing had begun. But that was enough to make him public hero no. 1.

In giving the signal to kill Dillinger, Agent Purvis was acting under the doctrine of "shoot on sight and shoot to kill", which had been enunciated not only by many responsible high police officials but also by his superiors in the Department of Justice. His immediate chief, J. Edgar Hoover (also a lawyer), had publicly stated that the policy of his Division of Criminal Investigation was "Act first, talk afterward", and "to shoot straight and get the right man." Joseph B. Keenan, Assistant Attorney General, had publicly stated, when the Department set out to get Dillinger, "I don't know when or where we will get him (Dillinger), but we will get him, and I hope we get him under such

circumstances that the Government will not have to stand the expenses of a trial." When Homer S. Cummings, the Attorney General, was told of the killing of Dillinger, he said to the press, "The news of tonight is exceedingly gratifying as well as reassuring." Even such an able and long-experienced lawyer as Mr. Cummings did not pause to consider what eventually would be the cost of endorsing the shoot-on-sight doctrine.

It is true that great provocation stirred these representatives of official justice. A special agent of their Department had been slain in a battle with desperadoes in the Wisconsin woods. But that killing had not been attributed to Dillinger. Mr. Hoover had publicly charged the slaying to George "Babyface" Nelson, said to have been an associate of Dillinger's. Then, it will be asked, for what crime did the Department of Justice want Dillinger? Here it is necessary to emphasize a fact brought out by only one observer, Turner Catledge, Washington correspondent for the New York Times, who wrote, "Not a single word of complaint has reached Washington about Department of Justice agents stretching the Constitution when they drilled a couple of holes in John Dillinger last Sunday night. . . . Nevertheless, Dillinger's only known Federal offense was the transportation in interstate commerce of a stolen automobile. For this the offender is seldom shot on the spot. When Federal bullets dropped him to Chicago pavements he (Dillinger) was not in an automobile."

You probably will remark, "Why, Dillinger had robbed banks and killed people!" He had done both; but Federal laws making it a felony to rob national or Federal Reserve banks and making it a capital crime to kill a Federal officer had been passed in May 1934; Dillinger's crimes against national banks had been committed previously, and the law could not be retroactively applied to him. And as to the murder of the Department of Justice agent in Wisconsin, that also had been committed before the passage of the law which put it under Federal jurisdiction; and, for another thing, Mr. Hoover attributed that crime to Nelson. Thus, as a matter of strictly legal reasoning, the only crime Dillinger had committed against Federal statutes was the minor offense of transporting a stolen automobile across State lines, and, as Mr. Catledge wrote, for that the offender is seldom shot on the spot. "But," he added, "the Federals got him and they are out to get more of his ilk, dead or alive, on whatever pretext they can invoke the majesty of the United States Government."

Let no one now be aroused to pity by the suspicion that Dillinger was unjustifiably slain; that the powerful Federal Government resorted to pretext to enforce the doctrine of shoot on sight and shoot to kill. He was an out-and-out bad man. The question to be considered is not whether there was a possible violation of the due-process clause of the Constitution, or a possible violation of the principle of State rights by agents of the Department of Justice, but, rather, what was gained or what was lost by shooting Dillinger on sight.

II

Dillinger's record may be divided into two periods: The period when no order to shoot him on sight had been given out, and the later period when such an order was widely in effect. The first period finds him credited with five hold-ups between September 1924 and September 1933. But no killings were involved in these crimes. Moreover, these crimes were never proved against him. They were merely credited to him by peace officers, and there is a vast difference between crimes credited to a man by the police and crimes proved in a court of law. Frequently police officers credit a man with crime which cannot be proved in court.

In September 1933 Dillinger was captured and held in jail in Lima, Ohio, and escaped when confederates of his killed the sheriff. Though he was the cause of this killing, Dillinger was not credited with it and others were jailed and tried for the murder. Thus in the early part of his criminal career Dillinger was not credited with killings.

During the period from October 1933 to December 13, 1933, he was credited with five hold-ups, two of which were raids upon police stations for the sole purpose of procuring guns and ammunition. Although policemen were in the station houses when the raids were made, supposedly by Dillinger and his gang, no policemen were shot. On December 13, 1933, according to the record of crimes credited to Dillinger, he and his gang robbed a Chicago bank, but shot no one.

Up to this time Dillinger had given scant attention to Chicago banks. This may have been because Chicago was the domain of crime overlords who had deadly ways of eliminating competition by outside bandits. At any rate, immediately after the Chicago bank robbery the police of that city publicly announced their determination to kill Dillinger and his allies on sight.

In view of the history of crime in Chicago, this order to shoot on sight and shoot to kill was rather unusual. So far as we know, Dillinger had not committed murder; and during all the time that Alphonse Capone was in power in Chicago and no less than 127 murders were credited to him, no such order had ever been given the police to kill Capone on sight.

On the night that the order to kill Dillinger and members of his gang on sight was published they descended upon a road-house near Chicago, held it up, and shot and wounded two highway policemen. A day or so later John Hamilton, a Dillinger henchman, was cornered by the Chicago police, but shot his way out of the trap and killed Police Sgt. William T. Shanley. Six days later Edward Shouse, another Dillinger aide, shot and killed an Indiana State policeman. These killings of police officers were undoubtedly the answer of Dillinger and his men to the order to

shoot them on sight; for although on two previous occasions they had raided police stations and officers were present, there had been no casualties among the officers.

Then, on the night of January 15, 1934, Patrolman William P. O'Malley was talking with a friend near the First National Bank in East Chicago when he was shot and instantly killed. O'Malley was utterly unaware that the bank was being robbed, but such was the fact. The robbery and murder were again credited to Dillinger and his men. It should be quite obvious why O'Malley was shot. Although he was not aware of the robbery, he was a minion of the law, and thus to Dillinger and his aides was a man who at any moment might fire at them.

One begins to discern the cost in lives of the doctrine of shoot to kill. Two officers wounded and three killed within a few weeks after the order went out, and none of Dillinger's crew either shot or killed!

Immediately after the killing of O'Malley the shoot-to-kill cry was raised in States adjacent to Illinois. In Cleveland, Ohio, the police rigged up a target in a basement and, as a daily routine, indulged in pistol and rifle practice. The target was a life-size photograph of Dillinger's face. Dillinger probably knew about this, for a photograph of the officers shooting at his face was widely published.

However, in distant Tucson, Ariz., no order to kill Dillinger and his men had gone forth. Yet in that small city the police rounded up Dillinger, his men, and their women, without the firing of a shot! As a matter of fact the desperadoes had left their guns behind in their hotel apartment. No order to kill them on sight had been broadcast in Arizona. Dillinger was rather chagrined about having been picked up by a bunch of "hick" cops.

Taken back to his home State, Indiana, Dillinger was confined in the Crown Point county jail. It is interesting to note the observations about his credited record which Dillinger made in confinement.

"Let them prove I'm guilty", he said. "Don't the law consider a guy innocent until he's proven guilty? Well, I'm innocent, but it looks like I'll get the 'works' though. They got me charged with everything from strangling goldfish to stealing the socks off a blind man. Why, they've even got me tagged with bank jobs I couldn't have committed. Two and three bank jobs in different States at about the same hour on the same day when I couldn't have been in all the places at the same hour."

This, of course, was the sort of display of bravado usually made by criminals when captured, or at least so it was regarded; but the fact remains that almost every important robbery committed in the Middle West had been credited to Dillinger and some of them it would have been impossible for him to commit.

Dillinger was asked to elucidate his statement that it looked as if he would "get the works." He explained that he meant that the order was out to shoot and kill him.

On March 3, 1934, Dillinger made a sensational escape from Crown Point jail, taking with him as hostages a fellow prisoner, a deputy sheriff, and a garage attendant. Dillinger effected his escape by using a wooden pistol which he had fashioned from a washboard and had blackened with stove or shoe polish. It is said, however, that Dillinger's confederates on the outside paid \$20,000 to aid him in getting away. It was this escape which led to the publication of a photograph showing Dillinger with his arm over the shoulder of the county prosecutor and the prosecutor's arm round Dillinger's shoulder, while the lady sheriff in charge of the jail looked on, smiling blandly. It is worthy of mention that when the lady sheriff found that her dangerous prisoner had fled she announced that if she ever laid eyes on him she would shoot him down.

The shoot-to-kill order still stood against Dillinger and all who had been associated with him. A few days after the break from Crown Point the negro convict who had escaped with Dillinger was killed in Michigan, but an under sheriff also was killed—the fourth officer to lose his life since the shoot-to-kill command had been broadcast. About this time the Federal Department of Justice became interested in Dillinger. At sometime during his travels he had crossed State lines in a stolen car, and that was a Federal offense. On the front pages of newspapers there were many references to the great activity of the Department's agents at target practice.

The first appearance of these agents in the Dillinger chase was in St. Paul, when they appeared at an apartment and were greeted by the deadly rattle of machine guns. They returned the fire. Dillinger was wounded and his companion, Eugene Green, was fatally wounded, but both escaped. A few days later, Dillinger appeared in a surgeon's office, leveled his gun at him, and forced the surgeon and a nurse to give him medical treatment.

In the meantime, agents of the Department of Justice were being massed for the hunt. In spite of the fact that the Federal Government was now after him, Dillinger appeared in his home town in Indiana, and visited his father. Next, Dillinger was heard of in a summer resort in northern Wisconsin, where it was reported he had gathered with his gang and a notorious Midwest desperado, Lester M. Gillis, alias George "Babyface" Nelson. Federal agents surrounded his hiding place, and there was a fierce battle in which Agent W. Carter Baum and a C. C. C. worker were killed, and two civilians, a constable, and a Federal agent were wounded. The gang escaped.

There was criticism of the strategy of the Justice agents for not having taken into their confidence the local police who were familiar with the section; for failing to watch the back door of the inn, through which the desperadoes escaped; and for failing to

erect a barrier against escape at a bridge (which it was said the local police might have helped them to do).

Dillinger was not credited with the killing of Agent Baum. Nelson was singled out as the man who had committed the murder. The score of dead now stood: five peace officers killed since the shoot-to-kill order, and one civilian also killed, making six dead in all. And Dillinger and his chief lieutenants were still at large.

Incensed over the slaying of one of its agents and the wounding of another, the Department of Justice threw additional men into the search and offered a substantial reward for Dillinger dead or alive; and Assistant Attorney General Keenan, who no doubt had ample provocation for feeling as he did about it, made the statement that he hoped Dillinger would be taken in such a way that the Government would be spared the cost of a trial.

The search for Dillinger came to an end outside the little neighborhood motion-picture theater in North Chicago on the night of July 22, 1934, when Chief Agent Purvis gave the signal to his 12 or 15 men to drop him.

The hunt for "Babyface" Nelson continued. In December 1934 the Department of Justice got a tip that Nelson was heading for a house near Barrington, Ill. Among the agents who went after him were Samuel Cowley and Herman Hollis. Cowley and Hollis both had been present at the execution of Dillinger. Hollis, it is said, had fired the shot which dropped Dillinger. Both men were young law-school graduates. They displayed no lack of courage when they went up to the house near Barrington where Nelson was believed to be hiding. But this brave act cost both agents their lives, for Nelson met their approach with gunfire. Nelson himself was wounded and his body was later found wrapped in a blanket. Cowley and Hollis had been told to give Nelson no quarter, and he likewise gave them no quarter, knowing that his pursuers were out not to capture him but to kill him.

III

Dillinger and Nelson were dead—but what of the cost in lives of peace officers? It was war, of course, but what shall we say of a strategy of war based upon the principle of giving three lives for one of the enemy's? No criticism of the acts of Agents Baum, Cowley, and Hollis is intended. They were acting not only under orders to get Nelson dead or alive but also in defense of their own lives. It is the shoot-to-kill doctrine which I am questioning.

And here arises another question. Were the processes of justice aided either by the death of Nelson or the death of Dillinger? It should be borne in mind that both desperadoes were credited with long lists of crimes. It is said they were linked with vast underworld machines, that they were aided and abetted by crooked politicians, and that each of them possessed intimate and exact knowledge of the extensive ramifications of underworld systems responsible for the many robberies and kidnappings and much political corruption in the Middle West. Many of these crimes remain unsolved or only partially solved. As soon as Nelson and Dillinger were killed all the crimes with which they were credited were presumably cleared up and closed. Some 25 crimes credited to Dillinger were disposed of by his death, and many more were disposed of by Nelson's death.

It is a common practice among the police automatically to consider crimes closed when the man credited with them is killed or dies by his own hand. Thus when Legs Diamond was shot by enemies the crimes with which Diamond had been credited were automatically wiped off the slate. Only the other day a young gunman was arrested for a murder, and when he was found hanged in his cell the police announced that he had been credited with no less than a hundred murders, though none had been proved against him.

A few years ago a former Texas ranger ended with a machine gun the careers of two desperate Southwest characters—Clyde Barrow and his "moll", Bonnie Parker. "They were responsible for no less than 19 murders", he announced. Those murders had not been proved against them; any associates they may have had were still at large; yet it was considered that the majority of those credited murders were cleared up and the cases closed. It is true that the Department of Justice did an excellent job of sending away a ring of conspirators who had aided Barrow and the girl in their escapes, but it had to do so without the aid of the two principals who might have been forced to divulge much more information regarding murders and robberies and underworld alliances. Likewise it is true that the Department of Justice did splendid work rounding up some of Dillinger's confederates. But it by no means uncovered all the valuable information it might have presented in court if Dillinger and Nelson, the principals in the crimes, had been brought to trial.

It would have been highly valuable, as an aid to the study of modern crime and as a guide for future police action in dealing with criminals and their rings, to have been able to force from Dillinger or Nelson statements about their careers, their methods, and the means by which they were able to hide so long. With both of them dead the possibility of such an exploration was eliminated.

There is yet another aspect of the practice of disposing of criminals by the shoot-to-kill method. Suppose you were a criminal who had actually committed one or more of the crimes credited to a dead criminal, would you rejoice and feel emboldened to continue in crime when you found that the crimes you had committed were credited to a dead man and that his death meant that the police would drop their investigations of those crimes? To this query there is the suggestion of an answer in the fact that

bank robberies in the very belt where Dillinger and Nelson operated were not halted by their deaths. As many, if not more, crimes of robbery have been committed in that belt since then. Committed perhaps by imitators of the dead bandits? If this be so then the extermination of Dillinger and Nelson did not prove a deterrent.

IV

Now, you may ask, what should I do? It is all very well for me to sit pounding at my typewriter at a safe distance. What should I do—have officers risk their lives to capture, alive, known killers who might very likely be set free by weak-kneed juries won over by slick lawyers? To this I frankly reply that I wouldn't for the world want to be in the shoes of any peace officer, or civilian for that matter, who is after a criminal over whose head hangs an order to shoot to kill. The mortality rate is too high.

Or I might point, with considerable assurance, to the Department of Justice's fine job of disposing of the live robber and kidnaper known as Machine-Gun Kelly. Not a shot was fired to take this notorious criminal whose skill with a machine gun was so great that he frequently shot his initials in barns with his gun. Kelly was taken alive, and what probably amounts to the most thorough clean-up of a big criminal gang was accomplished by the Department of Justice when it sent to prison not only Kelly and his gang but all the conspirators, some 20 in all, even those who merely had touched the ransom money. This happened in 1933 and the Government prosecutor who did the splendid job, in court, was none other than Joseph B. Keenan, the Assistant Attorney General, who later was to broadcast the not unfulfilled hope that Dillinger would be taken in a way that would save the Government the expense of a trial.

Kelly, who had robbed banks right and left, was wanted by Oklahoma authorities as a ringleader in the kidnaping of Charles F. Urschel, from whose relatives was extorted, under threats of death, a ransom of \$250,000. In Memphis, Tenn., the local police were advised that Kelly and his wife were living in a bungalow in that city. Police detectives and Department of Justice agents kept the house under observation all night. On a dining-room table at which Kelly sat was an automatic pistol; on the floor were several sawed-off machine guns, his favorite weapon. At 6 in the morning Detective Sgt. W. J. Raney slipped into the house. The bedroom door opened, and there stood Kelly, a gun in his hand, ready. The detective, who had been trained to look at a quarry's hands and not at his face, made one move. He shoved his shotgun barrel into Kelly's stomach and said, "Drop that gun." And Kelly dropped it.

"I've been waiting all night for you," said Kelly grinning.

"Well," said Raney, "here we are."

So far as I have been able to discover, no order to shoot on sight and shoot to kill hung over Kelly's head, though he was supposed to be a cop killer; and when the trial took place Kelly and his coconspirators were present for the jury to look at and witnesses to identify, and eventually a score of persons were sent away to expiate the crime, although many of them had played only minor roles. It is not at all singular that after this clean-up the kidnaping rate in that part of the country suffered a healthy decline.

But would it have been possible for Agent Purvis and his 12 or 15 men to take Dillinger alive? There may be differences of opinion as to this. At any rate, Mr. Purvis' account of what happened is available for consideration.

"When Dillinger left the show (the motion-picture theater)", Mr. Purvis told reporters, "he started south and again passed my car without noticing me. As soon as he had gotten a step past my car I thrust my right arm out of the car, dropped my hand and closed it, the prearranged signal for closing in. Instantly my men appeared from all sides. * * * As he (Dillinger) ran he drew an automatic pistol from his pocket. Several shots were fired by my men before he could fire. He dropped mortally wounded. I had hoped to take him alive, but I was afraid that he would resist to the last."

Did Dillinger appear suddenly out of the theater, and were the armed agents surprised to see him? Here is another part of Mr. Purvis' statement (the italics are mine): "It was late yesterday afternoon when I received undercover information that Dillinger would attend the movie. * * * I hurriedly made arrangements to surround the theater with picked men from among my investigators. They were armed only with pistols. I wished no general firing that might endanger passers-by."

"I stationed myself in my own automobile, parked two doors south of the theater. My men were stationed in doorways about the theater. It was shortly before 9 o'clock when I first noticed Dillinger."

"As he bought a ticket * * * I knew I was not mistaken. Those two hours that he spent in the theater were the longest I ever spent. By the time he left the show our plans were complete * * * my men were covering the neighborhood so thoroughly that a cat couldn't have gotten through."

And presently Mr. Purvis and the Department of Justice had on their hands a dead man who could tell no tales.

Why, during those 2 hours while they were waiting and Dillinger was in the theater, didn't Mr. Purvis and his men close in upon Dillinger in the theater? There he was, sitting absorbed in the film upon the screen, his mind probably far from thoughts of pursuit and pursuers. Mightn't the agents have gone into the theater and, while Dillinger's back was to them, his eyes on the screen, have taken seats behind him, watched him for a moment, his arms particularly, and then seized his arms, an arm to an

agent, and overpowered him without the firing of a shot—with other agents running up to lend their help in his complete subjugation? Mr. Purvis explained that he wished no "general firing that might endanger passers-by." Yet when shots were fired by his agents on the sidewalk two women passers-by were wounded; the wait of 2 hours did not prevent what he wished to avoid.

Here the point is sure to be raised that shooting in a theater, or the moves necessary to capture Dillinger in the theater, might have led to a panic or to the wounding of persons. On this point there is this to say, and it is based upon my own experience as a reporter observer of the police. Time and again skilled detectives have successfully closed in upon dangerous criminals while they were seated in crowded theaters, trains, lobbies, and other places of public assembly, and without firing a shot. As a matter of fact, this method has been so successful, especially if the wanted man's attention is absorbed in something, that it is commonly accepted as the best and safest way to take a desperate man. It is known in police circles as the "close-in."

Perhaps Mr. Purvis may not have thought of it in the 2 hours he sat there, knowing his man was inside. Anyhow, Mr. Purvis very probably was doing, in his judgment, what he thought proper, and it is not for one who was not there to say that he would have done otherwise than Mr. Purvis did. It should also be borne in mind that Mr. Purvis from the moment he saw Dillinger enter the theater was under no compulsion to take him alive. From authorities higher than himself came the license to shoot Dillinger on sight and shoot to kill.

But it is interesting to speculate as to what would have happened to Dillinger if 12 or 15 United States Secret Service operatives of the Treasury Department, or the same number of post-office inspectors, had been after him, had observed him go into the theater. Would they have taken him alive? The answer to this is that these older detective branches of the Government always prefer to catch their quarry alive and to let the courts deal with him. So it was with Guiteau, who assassinated President Garfield in 1881; with Czolgosz, who killed President McKinley in 1901; and with Giuseppe Zangara, who shot at President Franklin D. Roosevelt and killed Mayor Anton Cermak, of Chicago. These armed men were captured, disarmed, tried, and executed in orderly fashion.

The Secret Service's principal job is to protect the Nation's currency against counterfeiting. It moves quietly and swiftly and is the least publicized of the many Federal detective services. And in dealing with counterfeiters it pits its wits against criminals of the most desperate types, many of them outcast Sicilian criminals to whom murder is not only a fine art but a much practiced art. But there is no evidence that in dealing with them (the same is true of Post Office inspectors) the Secret Service follows a policy of shooting on sight, even when dealing with armed assassins of Presidents.

To those familiar with the work of the Secret Service it is no secret that its operatives are unusually well posted on the haunts, habits, techniques, and specialties of counterfeiters. They know the type of men who take up counterfeiting and all the tricks of the trade, and once assigned to a counterfeiting operation, they proceed with full knowledge of what they may expect to find. And how do they come into possession of this helpful knowledge? The answer is quite simple. They take their quarry alive, usually with his plants and all his confederates. Live counterfeiters, brought face to face with an orderly trial and stern justice, invariably make certain overtures looking toward leniency, and presently the Secret Service is in possession of all the latest data on counterfeiting as well as valuable information concerning other counterfeiters, new techniques, and so forth. Dead counterfeiters could not supply this information. Shoot on sight and shoot to kill is not, therefore, a profitable doctrine for the Secret Service.

Criminals have a great respect for the Secret Service, and not because its operatives carry guns. Guns are available to the underworld as well as to the Secret Service, but it is difficult for the underworld to match a superior set of brains. There also is this pleasant fact about the Secret Service. The mortality rate among its members is low. Secret Service men are rarely shot. This is not because the operatives do not face guns in their work. Rather it is because the quarry is aware that his nemesis is after live specimens and not dead ones. Into the mind of the armed counterfeiter comes the happy thought not to reach for his gun, for he knows that the Secret Service man who confronts him is not out to shoot on sight and shoot to kill.

UNITED CONFEDERATE VETERANS

Mr. SANDLIN. Mr. Speaker, I ask unanimous consent for the present consideration of H. R. 11302, to authorize the Secretary of War to lend to the Reunion Committee of the United Confederate Veterans 3,000 blankets, olive drab, no. 4; 1,500 canvas cots, to be used at their annual encampment to be held at Shreveport, La., in June 1936.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to lend, at his discretion, to the reunion committee of the United Confederate Veterans, for use at the United

Confederate Veterans' Encampment, to be held at Shreveport, La., June 9, 10, 11, and 12, 1936, 2 hospital ward tents, with all pegs, poles, and equipment necessary for their erection; 1 storage tent complete with all equipment; 1 large wall tent complete with all equipment; 6 small wall tents complete with all equipment; 10 pyramidal tents complete with all equipment; 50 14-quart G. I. buckets; 3,000 blankets, olive drab, wool; 1,500 canvas folding cots; 1,500 comforters; 1,500 cotton-felted pillows complete with cotton pillowcases; 3,000 cotton bedsheets: *Provided*, That no expense shall be caused the United States Government by the delivery and return of said property; the same to be delivered from the nearest quartermaster depot at such time prior to the holding of said encampment as may be agreed upon by the Secretary of War and the Confederate reunion committee: *Provided further*, That the Secretary of War, before delivery of such property, shall take from said reunion committee of the United Confederate Veterans a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BARBARA BACKSTROM

Mr. KENNEDY of Maryland. Mr. Speaker, I offer the following concurrent resolution for immediate consideration.

The Clerk read as follows:

Senate Concurrent Resolution No. 36

Resolved by the Senate (the House of Representatives concurring), That the action of the Vice President and of the Speaker of the House of Representatives in signing the enrolled bill (H. R. 4387) entitled "An act conferring jurisdiction upon the United States District Court for the Western District of Michigan to hear, determine, and render judgment upon the claim of Barbara Blackstrom", be rescinded, and that in the reenrollment of said bill the Clerk of the House of Representatives is authorized and directed to insert the name of "Blackstrom" in lieu of the name "Blackstrom" where it appears in section 1 of the amendment of the Senate to the text of said bill and in the amended title.

The Senate concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

OMNIBUS PRIVATE CLAIMS BILLS

The SPEAKER. Under the special order, the Clerk will report the first omnibus claims bill.

The Clerk read as follows:

H. R. 8524. For the relief of sundry claimants, and for other purposes.

SOUTHERN OVERALL CO.

The Clerk read as follows:

Title VI—(H. R. 4408. A bill for the relief of the Southern Overall Co.)

That the claim of the Southern Overall Co., growing out of proxy-signed contract of November 28, 1917, with the Quartermaster Corps for delivery of jumpers and trousers to the Quartermaster Corps during the World War, is hereby referred to the United States Court of Claims with jurisdiction to hear the same to judgment and with instructions to adjudicate the same upon the basis of the fair and reasonable value at the time of delivery of the jumpers and trousers delivered thereunder.

Mr. COCHRAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: Page 7, beginning in line 13, strike out all of title 6.

Mr. COCHRAN. Mr. Speaker, I shall try to be brief.

Mr. Speaker, the question for the House to decide in this case is whether it wants to send to the Court of Claims the claim of a company that made a contract with the Government. The Government kept its part of the contract, paid the company for the overalls it made, and assessed a penalty against the company for the overalls it failed to deliver on time. The company filed a claim under the Dent Act, which was denied by the War Department. The case was denied by the Comptroller. The company had the right at that time to go into the Court of Claims, but did not take the case to the Court of Claims. This bill is to set aside the statute of limitation.

The SPEAKER. The question is on the amendment of the gentleman from Missouri.

The amendment was agreed to.

ERNST NUSSBAUM

The Clerk read as follows:

Title VII—(H. R. 2989. A bill for the relief of Ernst Nussbaum.)

That, notwithstanding any other provision of law, the Alien Property Custodian is authorized and directed to transfer all money and other property held by him or by the Treasurer of the United States as the property of Ernst Nussbaum, of San Francisco, Calif., to the said Ernst Nussbaum, who is now a citizen of the United States.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 8, line 1, strike out all of title VII.

Mr. COSTELLO. Mr. Speaker, the bill contained in this title provides for the return to the claimant, Ernst Nussbaum, of property taken by the Alien Property Custodian during the period of the World War under the provisions of the Winslow Act. Following the World War the property of aliens was returned to them up to the sum of \$10,000. Subsequently, 80 percent of the remaining property was returned to them. The remaining 20 percent of the property was retained by the Alien Property Custodian to be used as an offset for awards to American citizens from damage sustained by the loss of their property in Germany.

As you know, these awards to American citizens were never paid by Germany, and the entire 20 percent of alien property thus retained was utilized for this purpose; that is, to reimburse American citizens who had lost property in Germany.

The pending bill would provide that 20 percent of the property belonging to Ernst Nussbaum should be returned to him, although he is in no different situation from many other aliens who likewise had 20 percent of their property retained and used for this purpose. I, therefore, feel this bill should not be passed and should be stricken out of the omnibus bill.

The SPEAKER. The question is on the amendment offered by the gentleman from California [Mr. COSTELLO].

The amendment was agreed to.

The Clerk read as follows:

Title VIII—(S. 281. An act for the relief of the Fred G. Clark Co.)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Fred G. Clark Co. the sum of \$7,586.61, being the amount agreed upon in accordance with the decision of the Board of Contract Adjustment, War Department, in full settlement for losses suffered by reason of forced compliance by said company with orders of the War Industries Board preventing said company from disposing of its stock of wool grease during the late war with Germany: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. COCHRAN. Mr. Speaker, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: Beginning on page 8, line 9, strike out all of title VIII.

Mr. COCHRAN. Mr. Speaker, the War Industries Board was required during the period of the war to issue orders to concerns all over the United States to withhold from sale certain of their products. This was necessary from the standpoint of prosecuting the war successfully. It affected thousands of corporations all over the United States. Here is picked one corporation in the entire country for relief. We are setting a precedent, if we pass this measure, that is bound to come back to plague us. If we are going to settle with every corporation in the United States that was affected by orders of the War Industries Board, there will not be enough

money in the Treasury of the United States to pay the bills, no matter how much the taxes may be raised.

Mr. HANCOCK of New York. Will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from New York.

Mr. HANCOCK of New York. May I call the gentleman's attention to the fact that following the decision to which the gentleman referred this matter was sent to the Court of Claims and tried there? The court held the claimant was not entitled to recover and dismissed its petition.

Mr. COCHRAN. I intended to mention that fact, but the gentleman from New York saved me the trouble. This bill seeks to pay this particular corporation \$7,586.61.

The SPEAKER. The question is on the amendment offered by the gentleman from Missouri [Mr. COCHRAN].

The amendment was agreed to.

The Clerk read as follows:

Title IX—(H. R. 3075. A bill conferring jurisdiction upon the Court of Claims to hear and determine the claim of the Mack Copper Co.)

That jurisdiction be, and is hereby, conferred upon the Court of Claims of the United States, notwithstanding the lapse of time, prior consideration, or any statute of limitation, to hear and determine the claim of the Mack Copper Co. against the United States for just compensation for the taking and use, and the damages and waste inflicted by the taking and use of certain real property owned by the Mack Copper Co. and situated in San Diego County, State of California, which real property was taken, used, and occupied by the United States as an Army cantonment, training camp, or for other military purposes during the period from on or about May 15, 1917, to on or about June 1, 1922, not heretofore paid by the United States to the Mack Copper Co.

Sec. 2. That the Court of Claims of the United States, in the hearing and determination of any suit prosecuted under the authority of this act, is authorized, in its discretion, to use and consider as evidence in such suit, together with any other evidence which may be taken therein, the testimony and other evidence filed by Mack Copper Co. and the United States, respectively, in case no. D-134 on the docket of that court entitled "Mack Copper Co. against United States", wherein the court rendered a judgment on the 6th day of June 1927.

Sec. 3. From any decision or judgment rendered in any suit presented under the authority of this act a writ of certiorari to the Supreme Court of the United States may be applied for by either party thereto, as is provided by law in other cases.

Mr. COCHRAN. Mr. Speaker, I raise a point of order against this title.

Mr. Speaker, in the last session of Congress a Senate bill similar to this House bill was passed which would have sent this case to the Court of Claims. That bill suffered a pocket veto. A motion was made in August 1935 to lay this identical bill on the table, and I refer to H. R. 3075.

Mr. Speaker, I make the point of order that the committee had no right or authority to include this bill in an omnibus bill, because it has already been tabled and was not referred to the committee.

The SPEAKER. The Chair is ready to rule.

The Chair has been furnished with a history of the proceedings with reference to this particular bill. The bill (H. R. 3075) was introduced on January 3, 1935, and referred to the Committee on War Claims. It was reported without amendment from the Committee on War Claims, Report No. 515, on March 28, 1935, and referred to the Private Calendar.

When the bill was reached on the Private Calendar, June 4, 1935, it was objected to and recommitted to the War Claims Committee under the rule. It was then included in omnibus bill no. 8524, which was reported from the War Claims Committee on June 17, 1935. This omnibus bill is on the calendar and now under consideration.

On August 23, 1935, the gentleman from California [Mr. BURNHAM] asked and obtained unanimous consent that the Committee on War Claims be discharged from the further consideration of S. 1878, a similar Senate bill, which had been referred to that committee, and this Senate bill was passed and, by unanimous consent, H. R. 3075, the bill in question, was laid on the table. H. R. 3075 is still being carried in omnibus bill H. R. 8524, notwithstanding the fact that it was laid on the table, because H. R. 8524 was printed prior to tabling the bill.

The Journal shows that the President, subsequent to that date and the expiration of the session, pocket vetoed the bill S. 1878 as of September 7, 1935.

The Chair holds that this bill, having been laid on the table by action of the House, is not a proper bill to be included in the pending omnibus bill. The only way to get it up would be by submitting a unanimous-consent request to take it from the table and consider it.

The Chair therefore sustains the point of order.

The Clerk read as follows:

Title X—(H. R. 2213. A bill for the relief of Charles P. Shipley Saddlery & Mercantile Co.)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$11,902.15 in full settlement of all claims of the Charles P. Shipley Saddlery & Mercantile Co. arising out of the cancellation of its lease, entered into with Second Lt. James W. Bell, Quartermaster Corps, National Army contracting officer at Camp Funston, acting for and on behalf of the United States as lessor, dated October 19, 1917, for a site on the zone of camp activities and amusements at Camp Funston, Kans., under which said Charles P. Shipley Saddlery & Mercantile Co. had made expenditures for facilities and equipment and had paid its proportionate share of the cost of the central heating plant and waterworks installed under the authority of the War Department.

Mr. COCHRAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: Page 10, beginning with line 16, strike out all of title X.

Mr. COCHRAN. Mr. Speaker, this bill was originally for \$17,000. The case was heard by the War Department. The War Department, I understand, settled with the claimants for \$3,579. This, however, is disputed in a letter I have from the claimants.

This bill does not ask you to send this case to the Court of Claims, but asks you to pay the money directly out of the Treasury in opposition to the views of the Government agency that has considered the case and has held that the corporation received all the money to which it was entitled.

Surely if you are going to give further consideration to the corporation, instead of Congress saying, "Mr. Treasurer, pay the money", the matter should at least go to the Court of Claims.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. I yield.

Mr. MAY. As I understood the gentleman's statement, a settlement was made for a specified sum, and they accepted this as a settlement.

Mr. COCHRAN. That is my understanding, although the claimant denies a settlement.

Mr. COSTELLO. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. I yield.

Mr. COSTELLO. I would like to ask the gentleman if it is not a fact that this company, in an effort to make this claim of theirs appear plausible, charged against the Camp Funston store some \$10,000 of expenses that were incurred in the operation of their Kansas City store?

Mr. COCHRAN. Salaries of officials.

Mr. COSTELLO. The salary of an official who went out as a purchasing agent at \$200 a month for a period of 2 years.

Mr. COCHRAN. The War Department went into all that; disallowed the claims.

The report does show—see the letter of Assistant Secretary of War Payne—no actual loss was sustained, but, on the contrary, a profit was shown. That is in the third to last paragraph of the report of the Secretary of War.

Mr. GUYER. Mr. Speaker, I would like to have the attention of every man in this House. This saddlery company and Charles Shipley never got one dime from the Government, and I read from the hearings as shown in the report, Mr. KERR asking these questions:

Mr. KERR. We want to know what would be the reaction up there in the War Department if we were to allow him [Shipley] the cost of the conduct of that business up there. Do you think that would be the right thing to do?

Major KEITH. As I said a moment ago, that is a matter for you gentlemen.

Mr. KERR. You absolutely cut him out of every cent of cost incidental to the conduct of that business there?

Major KEITH. Yes.

Mr. KERR. You were willing to take the profit he made and set it off against the construction of his building, but you were not willing up there at the War Department to give him anything at all for the actual cost of the conduct of that business? That is what the committee has before it.

Major KEITH. I feel sure that any action your committee takes would not be objected to by the War Department.

Now, this Shipley Saddlery Co. is Charles Shipley, one of the best men I ever knew. If the gentleman from Missouri [Mr. SHANNON] were here, he would be talking in my place. We all appreciate Mr. COCHRAN's efforts to save the Government money, but often he does individuals a great injustice by inducing the House to act adversely on many of these bills.

At times the Government of the United States is a generous and prodigal dispenser of largess often when there is no logical reason for it. At other times it is an ungrateful and niggardly miser. It pours out the coin of the realm to those it does not owe but refuses for years to pay its honest debts. It digs into the Treasury and dishes out its currency to those who are perpetual shirks and refuses to compensate those who in time of national stress and dire need came to the rescue of the Government with a voluntary generosity. One day a prodigal spendthrift, the next a flinty-hearted skinflint with its helpless creditors.

This Government never played the latter role with more glaring injustice, more brazen effrontery than in this case of the Charles Shipley Saddlery Co. That company is simply Charles Shipley.

The Government, through its agents in the Army, induced this good and decent citizen as a patriotic duty to open a store at Camp Funston, Kans., to sell leather goods and other necessities to the soldiers at this camp. They made an estimate of a building for this purpose, which Shipley was to build, which they estimated would cost \$5,000. When Shipley got through it had cost him over \$14,000, part of which was his pro-rata share of the cost of a waterworks and heating system. He had hardly got started properly when the Government canceled his contract, confiscated his building, used the waterworks and heating system he helped to build, and to this day has not paid him a thin dime.

That is a brief story of this shameful treatment of one of the best men I ever knew. Nothing would induce this man to accept a penny that did not belong to him. At one time when lawyers who were settling all these matters at Camp Funston wanted most of it for fees, he almost dropped it with the idea that he would let the Government have it rather than pay a large proportion of it to lawyers who were handling an immense amount of these claims in a group. So the Government and the lawyers cut his claim out, while they paid to one claimant, who had a relative in Congress, \$43,000 for an old movie house as junk after the war was over. The Government junked Shipley's building, sold the remains as junk, and dishonestly retains that money to this day.

Shipley is not a constituent of mine, though we live in the same city, which is located in two States. I have only the interest of a bystander who does not like to see his Government oppress one of its best citizens. Shipley is an outstanding citizen of high ideals and lofty civic attainments, and is particularly interested in those organizations which look after the welfare of the unfortunate of his city. He has long been active in and now heads the Good Will Industries in Kansas City, which employs hundreds of otherwise unemployed people in renovating and repairing clothing which is contributed, and then this clothing is sold to those who cannot afford to buy new clothing. Under this system a whole outfit, including overcoat, hat, shoes, and suit, are sold for \$6. This yields Mr. Shipley nothing except the consciousness that he has helped the needy. In fact, it costs him much of his own money and time.

The Shipley Saddlery Co. has been one of the finest leather-goods houses of this country. Shipley is an artist in his line and he employs men who are experts in that line. They are

a part of his family, as it were. In the old days before the horse was extinct, his saddles and other leather goods were worn from the Rio Grande to the Yukon. His customers ordered these superlative products without asking the price. They knew Shipley would give them an honest man's price. The men he had employed for many years were loyal to him and worked at low wages in these hard years, and Shipley kept them at work the best he could.

Shipley borrowed the money to build at Camp Funston, and is still paying interest on the principal. This interest, of course, is not included in this bill, but I refer to it to emphasize the injustice of still withholding from him the original cost of the store.

The hard years came. The demand for his goods failed. He comes now, asking his Government, which has done him this injustice, to pay a part of what it owes him in order that he may save his home and his building down at the stockyards, where for so many years he has labored with his men. Mr. SHANNON, if his health were better, would say everything I have for this man. His case is now in your hands. You are the great Government which has for so long withheld from this good citizen the property that does not belong to it. You can right this wrong.

I think it would be a shame for this Congress to burden this man further with the injustice he has suffered ever since the war, and I hope every man here who believes in justice and in square dealing will pay this man not what he is out but the amount at which the committee put it.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. GUYER. Yes.

Mr. COCHRAN. Does not the gentleman think it would be fair to the Government, in view of the fact this matter has never been to the Court of Claims, that before you ask the taxpayers of this country to pay this bill the case should go to the Court of Claims rather than have the Treasury Department pay the claim direct?

Mr. GUYER. I do not think it should go to the Court of Claims because the Committee on War Claims unanimously reported it. They tried the case, gave long hearings, and why keep this man waiting and put to all the trouble of coming up here to try his case before the Court of Claims? As I say, the Committee on War Claims reported it unanimously.

Mr. COCHRAN. Will the gentleman yield?

Mr. GUYER. Yes.

Mr. COCHRAN. Is the gentleman going to condone everything that the War Claims Committee does?

Mr. GUYER. I do not think this needs condonation.

Mr. EKWALL. Will the gentleman yield?

Mr. GUYER. I yield.

Mr. EKWALL. Is it not a fact that if the claimant was defeated in the Court of Claims he has no appeal?

Mr. GUYER. That is true, and there is no need of going to the Court of Claims. We are the court, we can try the case.

The SPEAKER. The question is on the amendment offered by the gentleman from Missouri [Mr. COCHRAN].

The question was taken; and on a division (demanded by Mr. COSTELLO) there were 18 ayes and 45 noes.

Mr. COSTELLO. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

The SPEAKER. The Chair will count. Evidently there is no quorum present. The Doorkeeper will close the doors, the Clerk will call the roll.

The question was taken; and there were—yeas 63, nays 238, answered "present" 2, not voting 125, as follows:

[Roll No. 73]

YEAS—63

Ashbrook	Cartwright	Doxey	Hill, Ala.
Ayers	Castellow	Driscoll	Huddleston
Blanton	Cochran	Duncan	Johnson, W. Va.
Brooks	Colden	Faddis	Lambeth
Brown, Ga.	Colmer	Ford, Calif.	Lewis, Colo.
Brown, Mich.	Cooley	Ford, Miss.	Luckey
Buck	Costello	Fulmer	Ludlow
Burch	Crowe	Gray, Ind.	McFarlane
Cannon, Mo.	Daly	Green	McGehee

Mahon
Murdock
Nelson
O'Neal
Pearson
Peterson, Ga.
Polk

Quinn
Rellly
Robertson
Ryan
Sanders, Tex.
Schulte
Scott

Secrest
South
Spence
Stefan
Sutphin
Taylor, S. C.
Thomason

Umstead
Warren
Wheelchel
Whittington
Young
Zimmerman

NAYS—238

Andresen
Andrews, N. Y.
Arends
Bacharach
Bacon
Barry
Beam
Belter
Biermann
Binderup
Blackney
Bland
Bloom
Boland
Boylan
Buchanan
Buckler, Minn.
Burdick
Burnham
Cannon, Wis.
Carlson
Carpenter
Carter
Casey
Celler
Chandler
Church
Citron
Coffee
Cole, N. Y.
Cooper, Tenn.
Cox
Crawford
Creal
Cross, Tex.
Crosser, Ohio
Crowther
Culkin
Cullen
Cummings
Curley
Darden
Deen
Delaney
Dempsey
Dickstein
Dies
Dingell
Disney
Dobbins
Dockweiler
Dondero
Dorsey
Drewry
Driver
Duffy, N. Y.
Dunn, Pa.
Eckert
Elcher
Ekwall

Engel
Evans
Flesinger
Fish
Fletcher
Focht
Frey
Fuller
Gambrell
Gasque
Gearhart
Gehrmann
Gilchrist
Gildea
Gingery
Goldsborough
Goodwin
Granfield
Gray, Pa.
Greever
Griswold
Guyer
Haines
Halleck
Hamlin
Hancock, N. Y.
Harlan
Hart
Hennings
Hess
Higgins, Conn.
Higgins, Mass.
Hildebrandt
Hill, Samuel B.
Hollister
Holmes
Hook
Hope
Houston
Hull
Jacobsen
Jenckes, Ind.
Johnson, Okla.
Johnson, Tex.
Kahn
Keller
Kelly
Kennedy, Md.
Kerr
Kinzer
Kloeb
Kniffin
Knutson
Kocalkowski
Kopplemann
Kramer
Lambertson
Lanham
Lea, Calif.
Lehibach

Lemke
Lesinski
Lucas
Lundeen
McClellan
McCormack
McGrath
McGroarty
McKeough
McLaughlin
McLeod
McMillan
McReynolds
Maas
Maloney
Mapes
Marcantonio
Martin, Colo.
Massingale
Maverick
May
Mead
Meeks
Merritt, N. Y.
Michener
Millard
Miller
Mitchell, Ill.
Monaghan
Mott
Nichols
Norton
O'Brien
O'Connell
O'Connor
O'Day
O'Leary
Owen
Palmisano
Parks
Patman
Patterson
Patton
Peterson, Fla.
Pettengill
Peyser
Pfeifer
Pierce
Pittenger
Plumley
Powers
Rabaut
Ramsey
Ramspeck
Randolph
Ransley
Reece
Reed, Ill.
Reed, N. Y.
Rich

Richards
Richardson
Risk
Robinson, Utah
Rogers, Mass.
Rogers, N. H.
Rogers, Okla.
Russell
Sadowski
Sauthoff
Schneider, Wis.
Scrugham
Sears
Seger
Shanley
Short
Sirovich
Smith, Conn.
Smith, Va.
Smith, Wash.
Smith, W. Va.
Snell
Snyder, Pa.
Somers, N. Y.
Starnes
Stubbs
Summers, Tex.
Taber
Tarver
Taylor, Tenn.
Terry
Thompson
Thurston
Tinkham
Tobey
Tolan
Treadway
Turner
Turpin
Utterback
Vinson, Ga.
Vinson, Ky.
Wallgren
Wearin
Welch
Werner
White
Wilcox
Williams
Wilson, La.
Wilson, Pa.
Withrow
Wolcott
Wolfenden
Wolverton
Wood
Woodruff
Zioncheck

So the amendment was rejected.
The following pairs were announced:
General pairs:

Mr. Rankin with Mr. Wadsworth.
Mr. Woodrum with Mr. Darrow.
Mr. Parsons with Mr. Gifford.
Mr. Rayburn with Mr. Jenkins of Ohio.
Mr. Cary with Mr. Ditter.
Mr. Boehne with Mr. Bolton.
Mr. Greenwood with Mr. Robson of Kentucky.
Mr. Sabbath with Mr. Hoffman.
Mr. Jones with Mr. Andrew of Massachusetts.
Mr. Corning with Mr. Brewster.
Mr. Kleberg with Mr. Allen.
Mr. Cravens with Mr. McLean.
Mr. Doughton with Mr. Wigglesworth.
Mr. McSwain with Mr. Lord.
Mr. Sullivan with Mr. Merritt of Connecticut.
Mr. Taylor of Colorado with Mr. Thomas.
Mr. Mansfield with Mr. Cooper of Ohio.
Mr. Flannagan with Mr. Eaton.
Mr. Montague with Mr. Martin of Massachusetts.
Mr. Thom with Mr. Stewart.
Mr. McAndrews with Mr. Perkins.
Mr. Gregory with Mr. Marshall.
Mr. Bulwinkle with Mr. Fenerty.
Mr. Duffey of Ohio with Mr. Main.
Mr. Fernandez with Mr. Hartley.
Mr. DeRouen with Mr. Christianson.
Mr. Steagall with Mr. Gwynne.
Mr. Weaver with Mr. Buckbee.
Mr. Dunn of Mississippi with Mr. Cavicchia.
Mr. Schuetz with Mr. Dirksen.
Mr. Romjue with Mr. Collins.
Mr. Schaefer with Mr. Doutrich.
Mr. Connery with Mr. Englebright.
Mr. Gavagan with Mr. Amle.
Mr. Chapman with Mr. Kvale.
Mr. Cole of Maryland with Mr. Boileau.
Mr. Sweeney with Mr. West.
Mr. Eagle with Mr. Montet.
Mr. Claiborne with Mr. Sanders of Louisiana.
Mr. Crosby with Mr. Moran.
Mr. Walter with Mr. Fitzpatrick.
Mr. Farley with Mr. Moritz.
Mr. Tonry with Mr. Bell.
Mr. Gillette with Mr. Sandlin.
Mr. Harter with Mr. Ferguson.
Mr. Mitchell of Tennessee with Mr. Edmiston.
Mr. Sisson with Mr. Shannon.
Mr. Kennedy of New York with Mr. Clark of North Carolina.
Mr. Clark of Idaho with Mr. Berlin.
Mr. Hobbs with Mr. Imhoff.
Mr. Kenney with Mr. Lamneck.
Mr. Stack with Mr. Kee.
Mr. Larrabee with Mr. Buckley of New York.
Mr. Boykin with Mr. O'Malley.
Mr. Healey with Mr. Dear.
Mr. Oliver with Mr. Adair.
Mr. Brennan with Mrs. Greenway.
Mr. Carmichael with Mr. Mason.
Mr. Hancock of North Carolina with Mr. Caldwell.
Mr. Barden with Mr. Dietrich.
Mr. Ellenbogen with Mr. Cassaway.

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DAVID A. WRIGHT

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 713) granting jurisdiction to the Court of Claims to hear the case of David A. Wright, which is identical with the bill H. R. 2713 in the bill just passed under title IV.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Court of Claims be, and hereby is, given jurisdiction to reinstate, reopen, and rehear the case of David A. Wright, of Winona, Mo., against the United States, no. 261-A in said court, and upon the pleadings, evidence, and other proceedings in that cause, and such other proceedings, if any, as the court may deem necessary or proper, to readjudicate the same and determine the amount of costs or expenditures, if any, which the said David A. Wright may have expended or incurred in 1918 in the rehabilitation of a manufacturing plant (commonly called the Allis-Chalmers plant), at 1150 Washtenaw Avenue, Chicago, Ill., and in the beginning of production of heavy-duty lathes, to meet the needs, or the then-anticipated needs, of the Ordnance Department for any gun-relining or gun-manufacturing project initiated and under way in the Ordnance Department of the United States Army, in reliance in good faith upon any promise or assurance given him by Maj. Charles D. Westcott, Ordnance Department, United States Army, or Howard Abbott, an engineer in

ANSWERED "PRESENT"—2

Bankhead Lewis, Md.

NOT VOTING—125

Adair
Allen
Amle
Andrew, Mass.
Barden
Bell
Berlin
Boehne
Boileau
Bolton
Boykin
Brennan
Brewster
Buckbee
Buckley, N. Y.
Bulwinkle
Caldwell
Carmichael
Cary
Cavicchia
Chapman
Christianson
Claiborne
Clark, Idaho
Clark, N. C.
Cole, Md.
Collins
Connery
Cooper, Ohio
Corning
Cravens
Crosby

Darrow
Dear
DeRouen
Dietrich
Dirksen
Ditter
Doughton
Doutrich
Duffey, Ohio
Dunn, Miss.
Eagle
Eaton
Edmiston
Ellenbogen
Englebright
Farley
Fenerty
Ferguson
Fernandez
Fitzpatrick
Flannagan
Gassaway
Gavagan
Gifford
Gillette
Greenway
Greenwood
Gregory
Gwynne
Hancock, N. C.
Harter
Hartley

Healey
Hill, Knute
Hobbs
Hoepfel
Hoffman
Imhoff
Jenkins, Ohio
Jones
Kee
Kennedy, N. Y.
Kenney
Kleberg
Kvale
Lamneck
Lee, Okla.
Lord
McAndrews
McLean
McSwain
Main
Mansfield
Marshall
Martin, Mass.
Mason
Merritt, Conn.
Mitchell, Tenn.
Montague
Montet
Moran
Moritz
Oliver

O'Malley
Parsons
Perkins
Rankin
Rayburn
Robson, Ky.
Romjue
Sabbath
Sanders, La.
Sandlin
Schaefer
Schuetz
Shannon
Sisson
Stack
Steagall
Stewart
Sullivan
Sweeney
Taylor, Colo.
Thom
Thomas
Tonry
Wadsworth
Walter
Weaver
West
Wigglesworth
Woodrum

the plant section of the production division of the Ordnance Department, that the said David A. Wright would receive a contract, or contracts, for the manufacture of heavy-duty lathes that would absorb such costs or expenditures, notwithstanding such Ordnance Department projects may have been contingent upon the continuance of the war and may have been abandoned because of the signing of the armistice of November 11, 1918, and notwithstanding section 3744 of the Revised Statutes: *Provided*, That the Court of Claims shall be of opinion that the said David A. Wright made or incurred such expenditures in reliance in good faith upon the belief that Major Westcott or Mr. Abbott possessed the authority to make such promise or assurance on behalf of the Ordnance Department and that he was justified in doing so under the circumstances.

The SPEAKER. Is there objection?

There being no objection, the bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent to vacate the proceedings of the House by which H. R. 2713 was passed.

The SPEAKER. The gentleman from Missouri asks unanimous consent to vacate the proceedings of the House whereby H. R. 2713 was passed and to lay that bill on the table. Is there objection?

There was no objection.

COPIES OF REVENUE ACT, 1936

Mr. LAMBETH. Mr. Speaker, I offer the following privileged resolution from the Committee on Printing.

The Clerk read as follows:

House Resolution 491

Resolved, That 4,000 copies of the bill H. R. 12395, the Revenue Act of 1936, be printed for the use of the House document room.

Mr. LAMBETH. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to; and a motion to reconsider the vote by which the resolution was passed was laid on the table.

FALSE PROPAGANDA OF POLITICAL HYPOCRITES AGAIN ANSWERED

Mr. McFARLANE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein some correspondence I have had with my constituents.

The SPEAKER. Is there objection?

There was no objection.

Mr. McFARLANE. Mr. Speaker, in my remarks of January 21, 1935, I referred to malicious misstatements of fact that had been made against me in both of my previous campaigns for election to Congress in 1932 and 1934. Because of the malicious falsehoods circulated in both of these campaigns concerning the alleged organization of a "Hoover Club" in my office in 1928 and an alleged failure to support Al Smith in that campaign caused me to print and circulate more than 40,000 copies of this speech of January 21, 1935, in my district, more than 1,000 of which were distributed in Graham.

Mr. J. R. Ramsey was then postmaster at Graham under his brother-in-law, Wesley Johnson, at Graham, so the statement he now makes that this speech "has just been called to my attention" is in keeping with the rest of his statement issued April 18, 1936, all of which statement of his is wholly and totally false, and trumped up by him and the utilities for a third time to try to mislead the people and to raise false issues, which have previously been twice settled by the people of the Thirteenth District by an overwhelming majority in each election.

These false rumors regarding the organization of a Hoover Club in my office and my failure to distribute Al Smith literature were first raised during the run-off campaign of 1932. In answering same at that time I printed and distributed 50,000 circulars containing a news item in the Graham Leader of October 4, 1928, and affidavits of Mr. Z. A. Hudson and Mr. J. W. Seddon, both recognized leaders of the Hoover campaign in Young County in 1928, which statements fully showed the falsity of such charges.

Of course, the Al Smith we knew in 1928 championed the rights of the common people and was against the Power Trust special-privilege crowd; however, now we find him an active member of the so-called plutocratic American Liberty League and he has completely changed his position on many important questions. He is now one of their spokesmen and is advocating practically everything he opposed in 1928.

Upon receipt of Mr. Johnson's statement, April 20, I immediately wrote him, as follows:

APRIL 20, 1936.

Hon. C. W. JOHNSON, JR.,

Graham, Tex.

DEAR MR. JOHNSON: I have just received a copy of your letter to the press of April 18 in regard to a statement contained in my remarks of the CONGRESSIONAL RECORD of January 21, 1935.

In order that you may know the truth and your memory be refreshed, let me again refer you to my remarks of January 21, 1935, concerning you, every word of which you know to be the truth.

I have a statement prepared as per the enclosed copy that I expect to release immediately should you fail to correct your false statement of April 18 to the press of the Thirteenth District. You know there isn't a word of truth in the statement you have made. The truth just isn't in you, it seems.

I await prompt reply from your before releasing the enclosed statement.

Very truly,

W. D. McFARLANE.

Having received no reply, and his statement having been published only in the Wichita Daily Times, Wichita Falls Record News, and the Electra News, all recognized as favorable toward the Power Trust and all having bitterly opposed the construction of a home-owned municipal light plant, and since these Power Trust papers refuse to publish my reply, which they knew or could easily have known were the facts before they publish this malicious libel, I submit the following reply to his letter handed the press:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., April 20, 1936.

TO THE CITIZENS OF THE THIRTEENTH CONGRESSIONAL DISTRICT:

REPLY TO C. WESLEY JOHNSON, JR.'S, LETTER OF APRIL 18, 1936

I have just received a copy of Mr. Johnson's letter, dated April 18, which states that he has given it to the press of the Thirteenth District, in regard to a statement contained in my remarks of January 21, 1935.

In order that the people may know the truth, let me quote from that statement of January 21, 1935:

"The post office at Graham is located in a building belonging to Republican Johnson, and naturally he wants to keep the post office in his building as long as possible. This same Republican, Wesley Johnson, succeeded in having himself appointed United States district attorney under President Hoover and retained this position almost a year before he was asked to resign on account of inefficiency, which resignation was filed promptly when requested.

"This same Republican, Wesley Johnson, made false statements against me in my last race and in my preceding campaign, which statements he knew and which the political hypocrites who used them knew were wholly and totally false. Such campaign tactics have been overwhelmingly repudiated by the voters of my congressional district in the last two campaigns. I was reelected last year carrying 13 out of 15 counties in the district, and my majority in my home county exceeded the combined majority of my opponent in the two counties I lost, and I carried my opponent's home town, Burkburnett."

Now, almost 4 years after this question of a so-called Hoover Club being organized in my office was raised, we find Mr. Johnson pretending innocent that he had ever spread such campaign falsehoods and intimates that he refused to give such information while people all over the thirteenth district know that certain gentlemen from Vernon and elsewhere spread this Hoover Club propaganda throughout the district not only in the campaign in 1932 but throughout the campaign of 1934, and gave him as their authority for such statement. This information was first used in circular form in the closing days of the run-off campaign of 1932 through a circular issued by attorneys for the private utilities.

In reply to such malicious falsehoods then issued, I at that time, in August 1932, issued a circular citing the following news item published in the Graham Leader of October 4, 1928:

"DEMOCRATIC RALLY HELD AT GRAHAM

"A Democratic rally was held Saturday evening at 8 o'clock, September 29, at the bandstand in the courthouse yard. The meeting was called to order by Senator W. D. McFARLANE, chairman of the Young County Democratic Club. A good crowd was present and considerable interest shown by the applause given the different speakers. Senator McFARLANE spoke first and urged all Democrats to support the ticket from top to bottom.

"Mr. Graham Stewart spoke last and urged everyone to support the national Democratic ticket.

"At the close of the meeting Mr. G. B. Johnson was elected secretary-treasurer, and the chairman announced the appointment of the following committees:

"Publicity committee: J. E. Kelly, E. L. Gibson, Price Beach, Ralph Shuffler, and Gasper Neal.

"Committee to arrange for speakers: G. B. Johnson, R. D. Owens, W. D. Spivey, Charlie Richardson, and B. W. King."

In regard to the distribution of literature in the Al Smith campaign and the other statements contained therein, all of which are wholly and totally false, when all these questions were raised in the run-off campaign of 1932, in answer to such charges that a "Hoover club" was organized in my office, I secured the sworn affidavit of the two recognized leaders of the Hoover forces in Young County, Mr. Z. A. Hudson, superintendent of the Presbyterian Sunday School in Graham for more than 25 years, and Mr. J. W. Seddon, a former county agent and long-time resident of Young County, which affidavit is as follows:

"THE HOOVER CLUB IN GRAHAM, TEX., IN 1928

"We want to make this statement in regard to the organization of the Hoover Club in Graham, Tex., in 1928.

"To go back, Senator W. D. McFarlane and his father were strong drys. In the precinct and county conventions they aided in securing a direction or instruction to our delegate to the State convention at Beaumont to vote for a platform plank—a dry candidate and a dry platform. Senator W. D. McFarlane, Mr. M. K. Graham, and Mr. Ford were the delegates to the State convention so instructed.

"After Al Smith was nominated we organized a Hoover-for-President Club. It was not organized in Senator McFarlane's office, and Senator McFarlane nor his father were not members of it. Senator W. D. McFarlane made it plain to us that, while he was a friend to the dry cause, he was going to support the Democratic ticket, and made a speech in its behalf in the courthouse yard. He never varied from that position and, insofar as we know and believe, he voted the straight Democratic ticket in November 1928. He so stated at all times to us, who worked and voted for Hoover.

"Z. A. HUDSON.

"J. W. SEDDON.

"Z. A. Hudson and J. W. Seddon, being sworn, say the facts stated in the above statement are true.

"J. W. SEDDON.

"Z. A. HUDSON.

"Subscribed and sworn to before me this 5th day of August, A. D. 1932.

[SEAL]

"GRACE LESLIE,

"Notary Public, Young County, Tex."

Mr. Johnson knew when he handed his letter of April 18 to the newspapers that his statement was wholly and totally false, as shown by the above news item and affidavit of two of the best citizens of Young County who were the recognized leaders of the Hoover forces in 1928.

You will note these good men in their sworn statement say that they organized a "Hoover for President Club", and that "It was not organized in Senator McFarlane's office, and Senator McFarlane nor his father were not members of it. Senator W. D. McFarlane made it plain to us that while he was a friend to the dry cause he was going to support the Democratic ticket, and made a speech in its behalf in the courthouse yard. He never varied from that position, and insofar as we know and believe he voted the straight Democratic ticket in November 1928. He so stated at all times to us who worked and voted for Hoover."

And further, any citizens of Young County who called for Al Smith literature will bear witness to the fact that they secured same, and statements are in my possession at Graham, Tex., to this effect; and further, it is well known that I was the only lawyer in Young County who spoke for Al Smith during that campaign.

I know it must be hard for a former Republican post-office distributor to not only have his brother-in-law, J. R. Ramsey, let out of office but also all his other appointees, as well as himself let out, and on top of that the new post-office building at Graham, constructed under this administration, is ready for occupancy and the post office will soon be moved from his building to this beautiful, new post-office building on the public square. Losing this rent, his patronage, and his job no doubt causes Republican Johnson to feel very bitter toward the Democratic administration and those who have helped bring the country back from chaos to prosperity.

Very truly,

W. D. McFARLANE.

ACT FOR THE RELIEF OF CERTAIN OFFICERS

The SPEAKER. The Clerk will report the next omnibus bill.

The Clerk read as follows:

(S. 267. An act for the relief of certain officers and employees of the Foreign Service of the United States who, while in the course of their respective duties, suffered losses of personal property by reason of catastrophes of nature)

That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to Matthew E. Hanna, American minister to Nicaragua, the sum of \$25,368.58, of which the sum of \$25,215.50 represents the value of reasonable

and necessary personal property lost as a result of the earthquake at Managua, Nicaragua, March 31, 1931, and the sum of \$153.08 represents the amount of money and vouchers destroyed when the contents of the safe in the legation were burned.

To Willard L. Beaulac, secretary of the American Legation at Managua, Nicaragua, the sum of \$1,006.82, such sum representing the value of reasonable and necessary personal property lost as a result of the earthquake at Managua, Nicaragua, March 31, 1931.

To Marion P. Hoover, clerk in legation at Managua, Nicaragua, the sum of \$80, such sum representing the value of reasonable and necessary personal property lost as a result of the earthquake at Managua, Nicaragua, March 31, 1931: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent of any claim thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with any such claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated for any claim in this act in excess of 10 percent of such claim on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000. The aforesaid amounts shall be considered in full settlement of the aforesaid claims. (Passed the Senate Jan. 21, 1935.)

With the following committee amendments:

Page 1, line 11, strike out "\$25,368.58" and insert "\$16,122.08"; page 2, line 1, strike out "\$25,215.50" and insert "\$15,969"; page 2, line 8, strike out "\$1,006.82" and insert "\$821.92."

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. COCHRAN. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. COCHRAN: Page 1, line 3, strike out all of Senate bill 267.

Mr. COCHRAN. Mr. Speaker, I wish the Members of the House would pay particular attention to this bill. We just passed a bill and included in that bill was a measure which sent a case to the Court of Claims not for the first time, not for the second time, but for the third time. Where is the lawyer who would permit a case that he has won to be reopened three times, or where is the individual?

Mr. BLOOM. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. Not until I state my case. I admit that has nothing to do with this bill. I am going to talk on this bill. This is a question of policy entirely. This bill provides for the payment of some \$17,000 to representatives of this Government in the Foreign Service because of losses sustained as the result of an earthquake in Nicaragua. The question involved is, Does the Congress of the United States want to pay damages, the result of an act of God? I might add that the party who receives the sum of \$16,000 on this claim will likewise receive in a few days from this House 1 year's salary because her husband died while in the Foreign Service. That is not included in this bill. This is a different item for property which belonged to them that was lost as the result of the earthquake. If you are going to pay Government employees and the members of the Army and Navy and Marine Corps damages because of floods, earthquakes, fires, and so forth, then you are adopting a very dangerous policy which you will regret.

The Government would have furnished this Legation as it furnishes all legations, but in this instance they wanted to use their own furniture. By so doing they were saving storage charges. I cannot see where the Government should be held responsible for losses due to any earthquake.

Mr. COLDEN. If we pay this, why not pay the losses of the California earthquakes?

Mr. COCHRAN. The people who suffered there were not employees of the Government, and there is that difference; but if you pay this, then you should pay every man at Langley Field, at Portsmouth Navy Yard, and at Fortress Monroe who lost belongings in the terrible flood there in 1933.

Mr. BLOOM. Mr. Speaker, the gentleman from Missouri [Mr. COCHRAN] is endeavoring to explain this particular case. This case is not the same as the explanation made by the gentleman from Missouri at all.

In reply to the gentleman from Missouri, permit me to state that at the time Mr. Hanna was appointed American Minister to Nicaragua the Legation premises there, which were leased by the Government and only partially furnished, were badly in need of repair and renovation, and were almost destitute of appropriate furniture and furnishings for the residence portion.

This being the situation, Mr. Hanna was confronted with the task of choosing between an appropriate and an inappropriate representation for the American Government in that capital. He chose the former, because it was believed that it would elicit an appreciative response from the community there, would greatly add to the influence and prestige of the Nation, and would play a very useful role in dealing with the Nicaraguan Government and people. Subsequent events justified the correctness of this view.

To furnish the premises, Minister Hanna collected at Managua his furniture and furnishings from his last previous post and from storage. The character and quantity of the articles thus collected were determined largely by the character of the premises to be furnished. These claims have received the most careful consideration of the Department's claim board, and the amount recommended to be appropriated is considered by the Department to be reasonable. In this connection it should be pointed out that only a portion of the losses suffered by the individuals involved are included in this bill. Minister Hanna, for example, lost additional personal belongings of great value, for which no claim is submitted, because they might be classed as luxury possessions. They were of great value to him, nevertheless, and to this Government likewise, since they were utilized to make the Government-leased Legation more representative.

While it is the almost universal practice of governments to supply furnishings for legations and embassies, the Government of the United States has done this only in a limited number of cases. Managua, at the time of the earthquake, was not one of those. It would seem unjust that, as against legations and embassies that are Government furnished, Minister Hanna, in addition to donating to the Government the use of his personal belongings, should be impelled to assume a risk against which he was unable to protect himself.

It has been stated that no showing has been made that these officers and employees could not have insured their personal belongings against such hazards.

In this connection it should be understood, first of all, that fire insurance did not protect against losses caused by the earthquake or by the fire which resulted therefrom. No fire-insurance company indemnified a single policyholder for his losses from the fire which followed the earthquake, since it was uniformly held that the fire was a direct result of the earthquake, and the policies of all companies contained a saving clause exempting the companies from liability in such a contingency.

Only earthquake insurance would have given protection against such losses, and that was prohibitive in cost. In support of this statement, it is reported that in the entire city of Managua, containing from sixty to seventy thousand inhabitants, only three property owners possessed earthquake insurance, and one of these was a bank of large resources. The cost of earthquake insurance was out of reach of the other property owners, as it was of the Foreign Service officers and employees involved in this bill.

At this point it should be stated that certain naval officers on duty at Managua at the time of the earthquake also suffered losses, which have been compensated for under Private Act No. 373, Seventy-fourth Congress, approved January 21, 1936. No reason is seen, therefore, for discrimination against members of the Foreign Service who suffered losses under the same circumstances.

In addition to the above it might also be pointed out that under the Army regulations the military personnel is compensated for private property lost or damaged in the military service, and an appropriation is available from which such losses are paid without their being submitted to Congress. The War Department regulations are similar to those con-

tained in the State Department order governing the determination of losses of Foreign Service officers and employees, except that in the determination made by the Department of State as to the amount of the losses legislative authority and an appropriation are necessary before such claims can be paid, whereas Congress has already given the War Department the authority and means to pay such losses as it shall determine reasonable and proper.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. BLOOM. Yes.

Mr. COCHRAN. Please tell the House whether the other two claimants in the bill also furnished a legation.

Mr. BLOOM. I am talking about this Hanna claim.

Mr. COCHRAN. But there are two other claims in the bill which the committee has recognized.

Mr. BLOOM. I do not think it is fair to confuse the other bill with this. I shall be glad to talk about that at the proper time.

Mr. COCHRAN. They are in this item.

Mr. BLOOM. I refuse to yield further.

Mr. McREYNOLDS. Mr. Speaker, will the gentleman yield?

Mr. BLOOM. I yield.

Mr. McREYNOLDS. There is nothing included in this bill except necessities which the minister had to have at that time?

Mr. BLOOM. Absolutely.

Mr. McREYNOLDS. And it was customary for the Government to furnish its own building, but in this case the minister had to furnish the building?

Mr. BLOOM. That is right. The chairman of the Foreign Affairs Committee has explained to you the Government furnishes the building at their embassies and legations. If the Government would have paid for the furniture in this legation, the Government would have been out this much money. The records show that the least amount of money that is expended in any legation is about \$25,000.

At this time permit me to give to you the history of the life and service of Mr. Hanna.

Matthew Elting Hanna, deceased husband of Gustava Hanna, was born in Londonderry, Ohio, March 9, 1873; graduated from the United States Military Academy in 1897; United States Army 1897-1913, captain; Cuban service, 1898; aide to military government of Cuba, 1898-1902; commander of public schools of Cuba, 1900-1902; military attaché at Habana, 1902-1904; special agent of the United States in Panama, 1909; special representative of the United States at German Army maneuvers, 1911; chemical manufacturing business, 1912-17; inspector general, Massachusetts Militia, 1912-14; appointed assistant in American Embassy at Mexico City February 1917; appointed after examination secretary of embassy or legation of class 4, August 23, 1917, and assigned to Mexico City; secretary of class 3, March 14, 1919; class 2, August 24, 1921; assigned to the Department as acting chief, Division of Mexican Affairs, September 20, 1921; chief, December 20, 1921; assigned to Berlin, March 10, 1924; Foreign Service officer, class 4, July 1, 1924, class 3, August 8, 1924; member of Board of Review, Foreign Service Personnel, 1926; Foreign Service inspector, November 6, 1925; class 2, June 30, 1927; assigned to Lima, November 11, 1927; counselor of embassy, November 25, 1927; secretary to American delegation Sixth International Conference of American States, Habana, 1928; assigned to Managua March 22, 1929; Envoy Extraordinary and Minister Plenipotentiary to Nicaragua, December 16, 1929; to Guatemala July 17, 1933; died February 19, 1936, while in the Service as Minister to Guatemala.

The SPEAKER. The time of the gentleman from New York [Mr. Bloom] has expired.

Mr. BLOOM. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER. The Chair cannot recognize the gentleman for that purpose under the rule.

The question is on the amendment offered by the gentleman from Missouri [Mr. COCHRAN].

The question was taken; and on a division (demanded by Mr. COCHRAN) there were—ayes 18 and noes 41.

So the amendment was rejected.

Mr. BLOOM. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BLOOM: Page 1, line 9, after the word "to", insert "Gustava Hanna, widow of."

The SPEAKER. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

The Clerk read as follows:

(H. R. 3365. A bill for the relief of Lily M. Miller)

That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the relief of Lily M. Miller, widow of Ransford S. Miller, American consul general, the sum of \$9,000, being 1 year's salary of her deceased husband, who died while in the Foreign Service.

Mr. McREYNOLDS. Mr. Speaker, I offer an amendment to strike the last section for the reason that that has already become the law. A private bill was passed at the last session covering this.

The Clerk read as follows:

Amendment offered by Mr. McREYNOLDS: Strike out all of H. R. 3365, a bill for the relief of Lily M. Miller.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

The Clerk called the next omnibus bill, H. R. 8750, for the relief of sundry claimants, and for other purposes.

The Clerk read as follows:

Title I—(H. R. 796. For the relief of A. E. Clark.)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to A. E. Clark, out of any money in the Treasury not otherwise appropriated, the sum of \$566.09 in full settlement of all claims against the Government on account of money expended by him between March 1, 1930, and July 10, 1930, while employed by the Government as an assistant supervisor of census in the State of Washington.

With the following committee amendment:

Page 2, line 3, after the word "Washington", insert the following: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

Mr. COCHRAN. I offer an amendment, Mr. Speaker.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: Page 1, line 3, strike out all of title I.

Mr. COCHRAN. Mr. Speaker, this is another bill that involves solely a question of policy. It is a very small sum, but it applies to a Government employee. He made application for a per-diem allowance. He was employed by the Census Bureau. The standardized Government travel regulations did not admit him to receive and he was not entitled to receive the money, so he comes down to Congress and he wants you to set aside the Government regulations and have the Government pick him out as one out of hundreds of thousands of Government employees and give him pay that other employees are denied.

That is all there is to this bill.

Mr. SMITH of Washington. Mr. Speaker, I rise in opposition to the amendment.

I wish to appeal to the membership to vote down the amendment offered by the gentleman from Missouri [Mr. COCHRAN], as I am conversant with the facts in regard to this bill, and I am very glad to assume full responsibility for it, although I inherited it from my predecessor, Albert Johnson, who served in this House for 20 years.

I regret to have to say that the facts are not at all as stated by the gentleman from Missouri in the brief statement he has just made to the House. The facts in the case are these: Mr. Clark, the claimant, was engaged as assistant district supervisor of the Census in 1930. Before he entered upon the performance of his duties he inquired of the district supervisor whether he would be paid travel allowance in view of the fact that he resided at Camas, some 50 miles from the city of Longview, where his headquarters were to be in that district. The supervisor informed him, and this is conclusively set forth in the committee report by letters, affidavits, and the report of the proper department of the Government, the Bureau of the Census, that he would be paid such travel allowance.

The supervisor also referred him to the Congressman responsible for his appointment, former Congressman Johnson. Mr. Johnson communicated with the Director of the Census here in Washington and was informed by Dr. Hill, Assistant Director of the Census, that the travel allowance would be paid to Mr. Clark, the claimant. Mr. Clark was so notified by Mr. Johnson and thereupon entered upon the performance of his duties. The report shows that those duties were faithfully, efficiently, and well performed, and that in due course he submitted his claim.

Mr. Speaker, it seems to me that involved in this bill is the question whether the Government of the United States is honorable and lives up to its contracts and performs them with citizens of this country. Here is a man of very ordinary means. I know him personally. He is a very fine citizen, a veteran of the Spanish-American War, and he was assured that he would receive this travel allowance. He informed the district supervisor that if he was not to be paid this amount he could not afford to accept the position because he lived 50 miles from his headquarters and could not afford to pay hotel bills, travel expenses, gasoline, and other sundry expenses out of the meager per diem pay he was to receive. He relied upon that promise and agreement, expressly made, and performed the services required of him.

I submit, Mr. Speaker, that if a just bill was ever submitted to the House, this is such a bill. Only \$560 is involved, but every red penny of it ought to be paid. Otherwise this Government will be convicted of perpetrating a fraud upon one of its citizens, and I, therefore, appeal to the House to reject the amendment.

The SPEAKER. The question is on the amendment.

The amendment was rejected.

E. G. BRISENO

The Clerk read as follows:

Title II—(H. R. 1365. For the relief of E. G. Briseno)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to E. G. Briseno, of El Paso, Tex., the sum of \$5,000 for painful, severe, and permanent injury to his minor son, Hector Briseno, caused by the explosion of a shell picked up on private property, which shell had been dropped and left there by troops of the United States Army engaged in target practice.

Sec. 2. There is further appropriated the sum of \$1,225.35 to E. G. Briseno, being expense incurred by him in medical and nursing care of the said Hector Briseno as the result of this injury.

Committee amendments:

Page 2, line 20, strike out "\$5,000" and insert "\$5,225.35 in full settlement of all claims against the United States."

Page 3, line 2, after the word "practice", insert: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a

misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

Page 3, line 15, strike out section 2 and insert in lieu thereof the following:

"Sec. 2. Of the said \$5,225.35 herein appropriated, the sum of \$4,000 shall be held in trust by the said E. G. Briseno, for use in maintenance of his minor son, and the sum of \$1,225.35 shall be paid to him as reimbursement for medical expenses incurred by him as the result of the injury to said Hector Briseno."

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 2, line 16, strike out all of title II.

Mr. COSTELLO. Mr. Speaker, this bill provides for the payment of \$5,225.35 for medical expenses and injuries received by the claimant. It appears that the claimant, a minor, came into possession of an unexploded Army shell and was injured as a result of the explosion of that shell, which took place in the home of the claimant. It appears that several boys down in the State of Texas went upon an Army reservation. The reservation was not fenced. As I understand, it is not the custom in Texas to fence in these reservations. So when the committee report tries to make a point of the fact the reservation was not fenced I feel they are raising an immaterial question because that is not the custom in that section of the country.

A lengthy statement was put in the record by a notary public regarding the situation in Texas trying to prove the merits of this claim. The notary was not a witness and is no more conversant with the facts than any individual here in this House might be.

Mr. Speaker, I feel there is no liability whatsoever on the part of the Government. The Government cannot be responsible when some private citizen comes upon a Government reservation, takes the property of the Government off the reservation, and subsequently is injured because the property he removed happens to be of an explosive character. I feel we cannot hold the Federal Government responsible under such circumstances, and for this reason I oppose the passage of this bill.

It is true the claimant is a minor, and while we may have a great deal of sympathy for him because of the injuries he sustained, I do not feel there is any direct or real responsibility on the part of the Government.

Mr. GOLDSBOROUGH. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield.

Mr. GOLDSBOROUGH. How old was the boy?

Mr. COSTELLO. I believe he is 9 years old.

Mr. GOLDSBOROUGH. The bill states the injury was caused by the explosion of a shell picked up on private property.

Mr. COSTELLO. It is my understanding that the shell was picked up on the Government firing range used in connection with the camp and belonging to the Federal Government.

Mr. TERRY. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield.

Mr. TERRY. The gentleman states that this shell was on the range?

Mr. COSTELLO. It was on the range and the boys had gone out with a group of people and were picnicking on the range. Some of the boys picked up an unfired shell.

Mr. TERRY. Does the gentleman feel the Government should have left an unfired shell on the range?

Mr. COSTELLO. There may be some negligence on the part of the soldier for leaving an unfired shell on the range, but I do not think we can attribute this negligence to the Government to the extent that where some private citizen goes upon Government property and removes an unfired shell he can recover any more than if he went to a storage magazine and removed an unfired shell. There was some negligence on the part of the soldier in leaving it there, but

I submit the proposition that the negligence does not extend to the Government.

Mr. HOUSTON. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield.

Mr. HOUSTON. Was there any fence or obstruction around this ground or any sign to keep off?

Mr. COSTELLO. I stated that the range was not fenced. The only time it was placarded was when the soldiers were actually firing.

Further, it is not the custom in Texas to enclose ranges and things of that kind, and even where there are fences it is the custom down in Texas to climb over the fences. The communal custom in Texas tolerates trespass even where fences exist.

[Here the gavel fell.]

Mr. THOMASON. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, I have considerable personal knowledge of this claim. In my judgment it is very meritorious, and I know it is one of the most pitiful cases I know anything about. I want to tell you something about the inexcusable negligence in this case, and also something about this nice little boy.

Mr. GOLDSBOROUGH. Will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Maryland.

Mr. GOLDSBOROUGH. May I say that from my knowledge of civil actions, if a suit had been brought under circumstances such as narrated by the gentleman from California against a private individual, the private individual would have been liable, even as against a trespassor.

Mr. THOMASON. Absolutely. Let me state, just briefly, the facts because my time is limited.

Fort Bliss is at the edge of the city of El Paso. Just back of Fort Bliss is a great, big, wide-open country. There is some question as to whether this particular target range was owned by the Government or was private property. The statement of the witnesses in the record would indicate it was private property. However, the Government had it under a lease of some sort, because it was using this property as a target range. There were no fences around it. There were no signs whatever, and there was no warning of any kind on the property. The only thing that the War Department and the officers at Fort Bliss ever claimed was that they inserted a notice in the advertising section of the local paper as to when there would be firing on the range.

Mr. Speaker, the father of this little boy is an illiterate Mexican. Several children went out to the poppy field, which is on or near the target range, for a picnic. There they found this peculiar-looking shell that they did not know anything about and the ignorant father knew nothing about. All were ignorant of firearms. They took the shell home. It had been left there admittedly by the War Department through its soldiers and officers. As I previously stated, these little children took the shell home and played with it day after day for some time. One day while playing with it the shell exploded.

Mr. PITTINGER. Will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Minnesota.

Mr. PITTINGER. Tell us about the nature of the injury.

Mr. THOMASON. The injuries are just too pitiful, and my poor ability at description will not permit me to begin to tell the extent of the injuries.

Mr. PITTINGER. The child is a hopeless cripple?

Mr. THOMASON. Yes. One arm is gone. An eye is damaged I think. He has cuts, bruises, and powder marks all over him. He is a cripple in his right leg. The report shows all his injuries and there is a statement from the attending physician.

Mr. DOCKWEILER. Will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from California.

Mr. DOCKWEILER. I see that the award, if this bill is passed, goes to the father. Is there a guardianship set up here?

Mr. THOMASON. No. Four thousand dollars of this money is to be placed in trust for the boy, and a guardian will have to be appointed for the boy. However, the father spent every penny of money he had, something like \$1,200, to save the life of this little child and patch him up as best he could. This boy came to my office when I was home last year. He is a hopeless cripple for life and I say it was the worst kind of negligence on the part of the Government.

Mr. MILLARD. Will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from New York.

Mr. MILLARD. What is the age of the child?

Mr. THOMASON. He is about 9 years old. Of course, this money will be placed in trust until he is 21 years old. The committee awarded the father the money he had expended for doctor and hospital bills.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Texas.

Mr. JOHNSON of Texas. According to the statement of the gentleman from California, the soldiers were guilty of negligence, and these soldiers were the agents of the Government?

Mr. THOMASON. Yes. There is not a sign of a fence there. There is no warning whatever. There is no guard and no notice or anything. It is just a great big wide open country, and these children went out there and picked up this unexploded shell. I say it is the worst kind of negligence, and I beg of you, as a matter of justice to an innocent illiterate Mexican boy, to give him this award.

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. THOMASON. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. I had a somewhat similar bill, and it was passed by the House.

Mr. THOMASON. Yes; and I hope the House will pass this one. This bill comes in here with a unanimous report of the committee. It is a most deserving case, and I hope and believe you will vote down the amendment and then pass the bill.

The SPEAKER. The question is on the amendment offered by the gentleman from California [Mr. COSTELLO].

The amendment was rejected.

The Clerk read as follows:

Title III—(H. R. 1485. To pay to the Printz-Biederman Co., of Cleveland, Ohio, the sum of \$741.40, money paid as duty on merchandise imported under sec. 308 of the tariff act)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Printz-Biederman Co., of Cleveland, Ohio, the sum of \$741.40 in full settlement of all claims against the Government of the United States for money paid as duty upon certain merchandise imported under section 308 of the Tariff Act of September 21, 1922: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Title IV—(H. R. 2087. For the relief of the Delaware Bay Shipbuilding Co.)

That the claim of the Delaware Bay Shipbuilding Co., of Leesburg, N. J., against the United States for damages alleged to have been caused to its marine railway by the United States Coast Guard boat CG-227 on the morning of November 6, 1931, may be determined in a suit to be brought by said claimant against the United States in the District Court of the United States for the District of New Jersey: *Provided*, That notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and upon such notice it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That such suit shall be begun within 4 months of the date of the approval of this act.

Title V—(H. R. 2163. For the relief of William Sulem)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William Sulem, of the township of Franklin, county of Somerset, and State of New Jersey, the sum of \$1,482, in full settlement of all claims against the Government of the United States for injuries received by and damages to property of the said William Sulem while operating his automobile on the public highway in New Brunswick, N. J., by the negligent operation of a United States Government mail truck, no. 9920, on said highway in said city while said truck was in the care and custody of and being driven by an operative of the United States Post Office Department under the orders of the postmaster in the United States Postal Service at New Brunswick, N. J.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Title VI—(H. R. 2183. For the relief of the estate of Milton L. Baxter)

That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Milton L. Baxter the sum of \$2,000 as compensation for the death of the said Milton L. Baxter, who was killed October 13, 1929, when the automobile which he was driving went off the bridge over the Cape Cod Canal at Bourne, Mass., and into the waters of the canal by reason of a defect in said bridge, which was owned by, and under the jurisdiction and maintenance of, the United States Government.

With the following committee amendments:

On page 7, line 1, strike out "as compensation" and insert "in full settlement of all claims against the Government of the United States."

At the end of page 7, after line 9, insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

Mr. HANCOCK of New York. Mr. Speaker, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HANCOCK of New York: On page 6, strike out all of title VI.

Mr. HANCOCK of New York. Mr. Speaker, the basis for this claim is that a bridge owned and operated by the Government over the Cape Cod Canal is alleged to have been unsafe and in defective condition. There were no eyewitnesses to the accident. All we know is that the gentleman in question drove a car over the bridge about 7:30 at night, ran through the railing, and was drowned in the Cape Cod Canal.

The question is whether or not the bridge was properly constructed. There is no dispute about the fact there was a warning sign in large letters warning the drivers of automobiles to proceed carefully and fixing a limit of 15 miles an hour. On both sides of the bridge there were guard rails 4 feet high and constructed of 2-inch pipe and wire netting. On one side was a safety sill 8 inches high and no sidewalk. On the other side there was a sidewalk 6 inches above the level of the roadway of the bridge, which was in effect a safety sill.

This bridge had been operated by the Government since 1928 and this was the first serious accident. Several million people had driven over this bridge. On the day Baxter was killed 3,649 cars crossed without trouble. If you are going to allow this claim you have got to do it purely on imagination, because there is not a scrap of evidence to show any wrongdoing or any lack of care on the part of anybody. The man, obviously, simply ran across the bridge too fast, lost control of his car, and the car jumped through the railing.

There is no basis for this claim whatever.

The SPEAKER. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

The Clerk read as follows:

Title VII—(H. R. 2259. For the relief of Addie I. Tryon and Lorin H. Tryon)

That jurisdiction is hereby conferred upon the District Court of the United States in and for the Southern Division of the Northern District of California to hear, examine, determine, adjudicate, and render judgment upon the claim of Addie I. Tryon and/or Lorin H. Tryon, of San Francisco, Calif., whether as individuals in their, or either of their, own rights or as successors in interest to, and/or distributees of the estate, or personal representatives of, E. H. Tryon, deceased, for the recovery and repayment of the sum of \$23,149.63, paid by said parties or either of them to the United States on or about April 24, 1923, as excess wool profits for, and realized and made by, said E. H. Tryon during the year 1918 and that said court shall hear, examine, determine, adjudicate, and render judgment upon said claim notwithstanding the bar prescribed by any statute of limitations or by laches or delay, which said bar is hereby removed, and that said claim may be sued for by said Addie I. Tryon and Lorin H. Tryon in said District Court of the United States in and for the Southern Division of the Northern District of California, acting under the rules governing such court. And said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such excess profits which may have been so paid, if the same or any part thereof shall be found to be due, together with interest thereon at the rate of 6 percent per annum from April 24, 1923, against the United States in favor of said Addie I. Tryon and/or Lorin H. Tryon, as their interests may appear: *Provided*, That such notice of suit shall be given to the Attorney General of the United States as may be provided by order of said court, and it shall be the duty of the Attorney General to cause the United States Attorney in such district to appear and to defend for the United States: *Provided further*, That said suit shall be brought and commenced within 6 months from the final passage of this act: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 8, line 13, after the word "bar", strike out the remainder of line 13, all of line 14, and the word "removed" in line 15, and insert "or defense that payment of such excess wool profits was voluntarily made, or of laches, lapse of time, any alleged settlement heretofore made, res judicata, or any statute of limitations, which said bars are hereby removed."

Page 9, line 1, after the word "due", strike out the remainder of line 1, and all of line 2, and "April 24, 1923" in line 3.

Page 9, line 12, beginning with the word "*Provided*", strike out the remainder of the bill and insert "*And provided further*, That an appeal directly from the decision of said district court shall lie to the Supreme Court of the United States in manner as now provided for other direct appeals from the district courts of the United States to the said Supreme Court."

The committee amendments were agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: On page 7, line 22, strike out of all of title VII.

Mr. COSTELLO. Mr. Speaker, this claim arises out of the action of the War Industries Board during the late World War, whereby the Board authorized control over the clip of wool which was to be purchased in the country.

The claimant here was a central dealer, grading the wool and selling it directly to the Quartermaster of the Army. The Quartermaster paid a commission of 3 or 4 percent depending upon the territory from which the wool was procured.

When Tryon, the claimant herein, completed his transactions with respect to the wool of the domestic clip of 1918, his books were examined and the audit of the Department of Agriculture found he had made excess profits in the sum of \$25,275 and the administrators of his estate paid the Department the sum which is claimed in this bill.

The Department opposes the passage of the bill because the contracts upon which the claim is based were voluntarily

entered into and they were subject to the regulations of the War Industries Board and they found that Tryon received large benefits from the Government as a result of these contracts, and now it is desired to free him from suffering any penalties that may have been occasioned because of having entered into these contracts.

As a result, I feel that the passage of this bill would simply be throwing open the doors to numerous claimants who are in a similar position where money has been obtained by the collection of excess profits that have already been expended, and this money that the Government has obtained would now have to be taken out of the general Treasury. I feel that the claimant is not entitled to relief, and I ask that the House vote down the bill by approving the amendment which I have offered.

Mrs. KAHN. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, this bill simply authorizes the heirs of E. H. Tryon to go into the United States District Court of California and prosecute their claims for the taxes which were paid into the Treasury as excess-profit taxes.

The circumstances are very much complicated by the Government's regulations for handling the wool clip of 1918 and by the decisions of various courts, including the Supreme Court of the United States, whose decisions are so terrifically in conflict that they could not get into court until after the statute of limitations had run. The entire nature of the controversy is such that it cannot be determined except by the courts. All they are asking is permission to go into the district court of California and prosecute their suit and have the statute of limitations waived, because on account of the various conflicts arising from these complicated regulations they have not been able to seek redress in the courts. I sincerely hope that the amendment of the gentleman from California will be voted down.

Mr. HOUSTON. Will the lady yield?

Mrs. KAHN. I yield.

Mr. HOUSTON. Is it not a fact that this is in conformity with the suggestion of the Department of Agriculture?

Mrs. KAHN. It is; and when the matter was explained to the committee, the committee unanimously voted to put it into the omnibus bill.

Mr. HOUSTON. That is correct.

The SPEAKER pro tempore (Mr. BLOOM). The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Title VIII—(H. R. 2674. For the relief of G. Elias & Bro., Inc.)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to G. Elias & Bro., Inc., out of any money in the Treasury not otherwise appropriated, the sum of \$30,859.28 in full settlement for losses suffered by the said G. Elias & Bro., Inc., by reason of changes in the specifications and extra work from which the Government received the benefit but for which no pay whatever has been paid to the said G. Elias & Bro., Inc., under contracts W 535 AC-602 and W 535 AC-628, dated December 14, 1926, and January 28, 1927, with the Air Corps for furnishing certain airship parts and equipment to the United States Army Air Corps.

With the following committee amendments:

Page 10, line 9, strike out the figures "\$30,859.28" and insert "\$24,139.28."

Page 10, line 10, after the word "settlement", insert "of all claims against the United States."

Page 10, line 19, after the word "Corps", insert the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

Mr. COCHRAN. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 10, strike out all of title VIII.

Mr. COCHRAN. Mr. Speaker, I have not only secured the report from the Department on this bill and on other bills, but I have a report from the Comptroller General of the United States.

This bill proposes to pay out of the Treasury—it does not send the case to the Court of Claims—but takes the money out of the Treasury—\$24,139 for alleged losses in connection with the changing of plans and specifications for airplane parts furnished under contract with the War Department in 1926 and 1927. Here is what the Comptroller General says:

This bill proposes to pay the claimant \$24,139.28 for alleged losses in connection with changes in plans and specifications for airplane parts furnished under contracts with the War Department in 1926 and 1927.

The contracts provided for such changes in plans and specifications and required the contractor to "submit evidence to the contracting officer of the amount involved by such change or changes", and that for any change increasing the cost of performance "an equitable adjustment will be made at the time such change or changes are made." Instead of the contractor submitting evidence of increased cost at the time the changes were made, the contractor accepted the changes with the statements thereon that "Contract price and terms of delivery not affected."

Does Congress wish to allow extra compensation for losses alleged to have been sustained over 9 years ago, when no claim therefor was requested or made at the time the changes were agreed upon? Is it not a condition precedent to the payment of increased costs under a contract that claim therefor, supported by proper evidence, be filed at the time changes are made? (*Plumley v. United States*, 43 Ct. Cls. 266, 226 U. S. 545.) Are the terms of the contracts and the principles of contract law to be disregarded entirely?

Surely, if you are going to act on this claim, it should go to the Court of Claims and give the Government a chance in court to protect the taxpayers' money.

Mr. MEAD. Mr. Speaker, I rise in opposition to the amendment. I am not only familiar with the claim, I am familiar with the factory, and I am familiar with the claimant. This claim is based on an order for airplane parts issued by the Government in 1926 and 1927.

Upon the acceptance of that particular bid the manufacturer was called upon to build a great many jigs, tools, and other forms upon which to construct the airplane parts. Upon the completion of the construction of the airplane parts it was discovered that the parts would not fit. They were constructed according to plans and specifications, and the claimant was called upon to employ engineering service to check the plans and to discard many of the jigs and tools and forms and to make new airplane parts in fulfillment of the order. In addition to that he was called upon to deliver these parts f. o. b. at his own factory, but, lo and behold! the Government inspectors then found that an ordinary railroad boxcar would not take them to their destination, and because he was called upon to crate them, he was then forced to build a special boxcar large enough to hold certain of the parts which were included in the order. The gentleman from Missouri [Mr. COCHRAN] said no evidence was given that this claimant incurred additional expense. I ask any man or woman in the House to read the report on the bill. The report is filled with abundant evidence of changes ordered by the Government and the acceptance of those changes by the claimant and, of course, the inference that it would cost additional money. Remember this in passing judgment on this claim: The aviation industry was in its youth. Chaos and confusion were in evidence in the War Department in connection with its aviation-construction program at this time. Changes in nearly every order and factory all over the country were commonplace. The fact that this man completed his work at a great loss to himself, and that the Senate was convinced he had an equity when it passed the bill and the House committee was convinced there was an equity when it passed the bill, is the answer to the statement made by the gentleman from Missouri that there was no evidence of added cost.

The evidence is in the report. There you will find numerous requests upon the part of the War Department asking this claimant to change certain parts, and asking him to

complete his work, because if he did not deliver the order within the time specified he would be subject to penalty. He tried his level best to meet the requests and counter-requests of the Department, and he did a good job in doing it.

Mr. PITTENGER. Mr. Speaker, will the gentleman yield?
Mr. MEAD. Yes; I yield.

Mr. PITTENGER. Since when did the Comptroller General get authorization to tell Congress what to do, either through the chairman of the committee or any Member of this House?

Mr. MEAD. I realize that the gentleman from Missouri made the statement that the Comptroller had decided against payment as suggested in the bill, but I am with the gentleman from Minnesota, who is a member of the committee. He studied this bill, and I maintain it is the duty and prerogative of Congress to legislate on matters of this kind.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired. The question is on the amendment offered by the gentleman from Missouri.

The amendment was rejected.

The SPEAKER pro tempore. The Clerk will report the next title.

The Clerk read as follows:

Title IX—(H. R. 3155. To authorize the Secretary of the Treasury of the United States to refund to The Bankers Reserve Life Co. of Omaha, Nebr., and the Wisconsin National Life Insurance Co. of Oshkosh, Wis., income taxes illegally paid to the United States Treasury.)

That the Secretary of the Treasury is hereby authorized and directed to pay to The Bankers Reserve Life Co. of Omaha, Nebr., out of any money in the Treasury not otherwise appropriated, the sum of \$19,474.58, together with interest, and the additional sum of \$27,727.71, together with interest, in full settlement of all claims against the United States, on account of said sums being illegally and through error, paid into the Treasury of the United States by The Bankers Reserve Life Co. of Omaha, Nebr., as income taxes for the years 1923 and 1924, respectively, said sums having been paid pursuant to the provisions of section 245 (a) (2) of the Revenue Acts of 1921 and 1924, which section, by decision of the Supreme Court of the United States, was held to be unconstitutional in the case of the *National Life Insurance Co. v. United States* (277 U. S. 508).

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to pay to the Wisconsin National Life Insurance Co. of Oshkosh, Wis., the sum of \$6,042.91, together with interest, and also the additional sum of \$5,979.18, together with interest, in full settlement of all claims against the United States, on account of said sums being illegally and through error, paid into the Treasury of the United States by the Wisconsin National Life Insurance Co. of Oshkosh, Wis., as income taxes for the years 1924 and 1925, respectively, said sums having been paid pursuant to the provisions of section 245 (a) (2) of the Revenue Acts of 1921 and 1924, which section, by decision of the Supreme Court of the United States, was held to be unconstitutional in the case of *National Life Insurance Co. v. United States* (277 U. S. 508).

SEC. 3. No part of the amount appropriated in this act, in excess of 10 percent thereof, shall be paid or delivered to, or received by, any agent or agents, attorney or attorneys, on account of services rendered in connection with said claims. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 11, beginning in line 13, strike out the remainder of the bill and insert: "That jurisdiction is hereby conferred upon the Court of Claims of the United States to hear, determine, and render judgment upon the claims of the Bankers Reserve Life Co. of Omaha, Nebr., and the Wisconsin National Life Insurance Co. of Oshkosh, Wis., for a refund of income taxes paid by said companies for the years 1923, 1924, and 1925 in excess of the amount due and pursuant to the provisions of section 245 (a) (2), Revenue Acts of 1921 and 1924, which section was subsequently held unconstitutional by the Supreme Court of the United States in the case of *National Life Insurance Co. v. United States* (277 U. S. 508), notwithstanding the bars or defense of any alleged settlement heretofore made or of res judicata, lapse of time, laches, or any statute of limitations. Suit hereunder may be instituted at any time within 4 months from the approval of this act, and proceedings in any suit brought in the Court of Claims under this act, appeals therefrom, and payment of any judgment therein shall be had as in the case of claims over which such court has jurisdiction under section 145 of the Judicial Code, as amended."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The committee amendment was concurred in.

The title was amended to read as follows: "To confer jurisdiction upon the Court of Claims of the United States to hear, determine, and render judgment upon the claims of the Bankers Reserve Life Co. of Omaha, Nebr., and the Wisconsin National Life Insurance Co. of Oshkosh, Wis."

The SPEAKER pro tempore. The Clerk will report the next title.

The Clerk read as follows:

Title X—(H. R. 3218. For the relief of Fred Herrick.)

That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Fred Herrick, of Spokane, Wash., the sum of \$50,000 in recognition of work done by the said Fred Herrick in making more accessible the timber resources of the Malheur National Forest by railroad construction: *Provided*, That the said Fred Herrick shall disclaim and waive all right or claim to any money paid by him and covered into the Treasury in connection with that certain contract for the purchase of timber on the Malheur National Forest, Oreg., dated June 15, 1923.

With the following committee amendments:

Page 14, line 4, after the word "Washington", insert "in full settlement of all claims against the Government of the United States."

Page 14, line 13, strike out the period, insert a colon and the following: "And *provided further*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

Mr. COCHRAN. Mr. Speaker, a similar bill, S. 491, became Private Act No. 335 in the Seventy-fourth Congress, approved August 27, 1935, after this title was included in the omnibus bill. At that time this bill was laid on the table. I make the point of order that this bill is not properly in the omnibus bill.

The SPEAKER pro tempore. The point of order is sustained.

The Clerk will report the next title.

The Clerk read as follows:

Title XI—(H. R. 3286. For the relief of Albert W. Wright.)

That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Albert W. Wright, of Richland, N. Y., the sum of \$304.33. Such sum represents payment to the Post Office Department by Albert W. Wright in the year 1921 to make up a deficit at the Richland (N. Y.) post office caused by theft, the recovery of which is barred by the statute of limitations.

With the following committee amendments:

Page 15, line 12, after the figures "\$304.33", insert "in full settlement of all claims against the Government of the United States."

Page 15, line 17, after the word "theft", strike out "the recovery of which is barred by the statute of limitations", and strike out the period, insert a colon and the following: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The SPEAKER pro tempore. The question is on the committee amendments.

The committee amendments were agreed to.

The Clerk read as follows:

Title XII—(H. R. 3348. For the relief of Nathan A. Buck.)

That the Secretary of the Treasury be, and is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, to Nathan A. Buck, of Chatham, Mass., the sum of \$300

in full compensation for damage caused to his oyster beds in Oyster Pond River, in said Chatham, in the fall of 1931 by a boat belonging to the United States Coast and Geodetic Survey, Department of Commerce.

With the following committee amendments:

Page 16, line 11, strike out the word "compensation" and insert "settlement of all claims against the Government of the United States"; line 16, after the word "Commerce", insert the following: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The Clerk read as follows:

Title XIII—(H. R. 3737. For the relief of George L. Stone.)

That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to George L. Stone, a former employee in the Post Office Department, Division of Rural Mail Service, the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, compensation hereunder to commence from and after the passage of this act.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That sections 17 and 20 of the act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes', approved September 7, 1916, as amended, are hereby waived in favor of George L. Stone, who is alleged to have sustained disability while an employee in the Post Office Department, Division of Rural Mail Service, between December 16, 1907, and July 31, 1918: *Provided*, That no benefits shall accrue prior to the approval of this act: *Provided further*, That said George L. Stone shall file notice of injury and claim for compensation therefor not later than 60 days from the enactment of this act."

The committee amendment was agreed to.

Mr. HANCOCK of New York. Mr. Speaker, I move to strike out all of title XIII.

The Clerk read as follows:

Amendment offered by Mr. HANCOCK of New York: Page 17, beginning in line 4, strike out all of title XIII.

Mr. HANCOCK of New York. Mr. Speaker, I offer this amendment in order to keep my record consistent. We have frequently had bills introduced in recent years to extend the benefit of the Federal Employees' Compensation Act to employees whose disabilities arose prior to the passage of the present act in 1916. When they have come to my attention I have objected to them. I think there must be a time limit beyond which we shall not go.

The claimant in this case was a rural mail carrier whose disabilities, according to his own statement, commenced in 1910. He resigned in 1918. In 1929 he first filed a claim for compensation. His claim is that he acquired rheumatism, heart trouble, and kidney trouble by reason of the fact that he had to ride a horse to deliver his mail. I think that riding a horse is one of the most beneficial exercises a man can indulge in. It seems to me he led a good, healthy, wholesome life and that his present disabilities are unconnected with his Government service. His claim is so preposterous and arises so far back in ancient history that I think the House should follow the course which it has pursued in the past few years and that the amendment should be passed and the claim rejected.

[Here the gavel fell.]

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. HANCOCK].

The question was taken; and on a division (demanded by Mr. KENNEDY of Maryland) there were ayes 6 and noes 8.

Mr. HANCOCK of New York. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

The SPEAKER pro tempore (Mr. BLOOM). The Chair will count. [After counting.] Evidently there is no quorum present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—ayes 85, nays 198, not voting 145, as follows:

[Roll No. 74]

YEAS—85

Arends	Fiesinger	McFarlane
Ashbrook	Fish	McLeod
Bacon	Fletcher	Mahon
Blackney	Ford, Miss.	Main
Blanton	Gearhart	Mapes
Brewster	Gilchrist	Marcantonio
Burnham	Goodwin	Massingale
Carter	Halleck	May
Castellow	Hancock, N. Y.	Michener
Church	Hess	Millard
Cochran	Higgins, Conn.	Monaghan
Colden	Hoffman	Mott
Cole, N. Y.	Holmes	Parsons
Cooley	Hope	Perkins
Cooper, Ohio	Huddleston	Peterson, Ga.
Costello	Kinzer	Pierce
Crawford	Kloeb	Plumley
Crowther	Lambertson	Powers
Dondero	Leibach	Ransley
Driscoll	Lord	Reece
Engel	Ludlow	Risk
Englebright	McClellan	Rogers, N. H.

NAYS—198

Adair	Doxey	Kniffin	Randolph
Andresen	Drewry	Knutson	Reed, Ill.
Bacharach	Driver	Kocalkowski	Reed, N. Y.
Bankhead	Duffy, N. Y.	Kopplemann	Reilly
Barry	Duncan	Kvale	Richards
Beam	Dunn, Pa.	Lambeth	Richardson
Belter	Eckert	Lanham	Robertson
Blinderup	Elcher	Larrabee	Robinson, Utah
Bland	Ekwall	Lea, Calif.	Rogers, Mass.
Bloom	Evans	Lemke	Rogers, Okla.
Boland	Faddis	Lesinski	Russell
Boylan	Frey	Lewis, Colo.	Ryan
Brooks	Fuller	Lewis, Md.	Sanders, Tex.
Brown, Ga.	Gasque	Luckey	Sauthoff
Brown, Mich.	Gassaway	McCormack	Schulte
Buchanan	Gehrmann	McGehee	Scrugham
Buckler, Minn.	Gildea	McGrath	Sears
Caldwell	Gillette	McKeough	Secrest
Cannon, Mo.	Goldsborough	McLaughlin	Shanley
Cannon, Wis.	Granfield	McReynolds	Sirovich
Carlson	Gray, Ind.	McSwain	Smith, Conn.
Carpenter	Green	Maas	Smith, Wash.
Cartwright	Gregory	Maloney	Smith, W. Va.
Casey	Griswold	Martin, Colo.	Somers, N. Y.
Celler	Guyer	Maverick	South
Chandler	Gwynne	Mead	Spence
Citron	Hamlin	Meeks	Starnes
Coffee	Hancock, N. C.	Merritt, N. Y.	Stefan
Colmer	Harlan	Mitchell, Ill.	Stubbs
Cooper, Tenn.	Hart	Murdock	Sutphin
Cox	Harter	Nelson	Tarver
Cravens	Healey	Norton	Thompson
Creal	Higgins, Mass.	O'Brien	Tonry
Crosser, Ohio	Hildebrandt	O'Connell	Turner
Crowe	Hill, Ala.	O'Connor	Umstead
Cullen	Hill, Samuel B.	O'Day	Utterback
Curley	Houston	O'Leary	Vinson, Ga.
Daly	Hull	O'Neal	Vinson, Ky.
Darden	Imhoff	Owen	Walter
Dear	Jacobsen	Parks	Warren
Deen	Jenckes, Ind.	Patman	Wearin
Delaney	Johnson, Okla.	Patterson	Weaver
Dempsey	Johnson, Tex.	Pearson	West
DeRouen	Johnson, W. Va.	Peyser	Whelchel
Dies	Jones	Pfeifer	Whittington
Dietrich	Kahn	Pittenger	Wood
Dingell	Kelly	Polk	Woodrum
Dockweller	Kennedy, Md.	Rabaut	Zimmerman
Dorsey	Kerr	Ramsay	
Doughton	Kleberg	Ramspeck	

NOT VOTING—145

Allen	Buck	Cole, Md.	Doutrich
Amle	Buckbee	Collins	Duffey, Ohio
Andrew, Mass.	Buckley, N. Y.	Connery	Dunn, Miss.
Andrews, N. Y.	Bulwinkle	Corning	Eagle
Ayers	Burch	Crosby	Eaton
Barden	Burdick	Cross, Tex.	Edmiston
Bell	Carmichael	Culkin	Ellenbogen
Berlin	Cary	Cummings	Farley
Biermann	Cavicchia	Darrow	Fenerty
Boehne	Chapman	Dickstein	Ferguson
Boileau	Christianson	Dirksen	Fernandez
Bolton	Claiborne	Disney	Fitzpatrick
Boykin	Clark, Idaho	Ditter	Flannagan
Brennan	Clark, N. C.	Dobbins	Focht

Ford, Calif.	Kramer	Palmisano	Stewart
Fulmer	Lamneck	Patton	Sullivan
Gambrill	Lee, Okla.	Peterson, Fla.	Sumners, Tex.
Gavagan	Lucas	Pettengill	Sweeney
Gifford	Lundeen	Quinn	Taylor, Colo.
Gingery	McAndrews	Rankin	Thom
Gray, Pa.	McGroarty	Rayburn	Thomas
Greenway	McLean	Rich	Thurston
Greenwood	McMillan	Robison, Ky.	Wadsworth
Greever	Mansfield	Romjue	Wallgren
Haines	Marshall	Sabath	Werner
Hartley	Martin, Mass.	Sadowski	White
Hennings	Mason	Sanders, La.	Wigglesworth
Hill, Knute	Merritt, Conn.	Sandlin	Wilcox
Hobbs	Miller	Schaefer	Williams
Hoepfel	Mitchell, Tenn.	Schneider, Wis.	Wilson, La.
Hollister	Montague	Schuetz	Wilson, Pa.
Hook	Montet	Shannon	Withrow
Jenkins, Ohio	Moran	Sisson	Wolfenden
Kee	Moritz	Smith, Va.	Zioncheck
Keller	Nichols	Snyder, Pa.	
Kennedy, N. Y.	Oliver	Stack	
Kenney	O'Malley	Steagall	

So the amendment was rejected.

The Clerk announced the following additional pairs:

Additional general pairs:

Mr. Rankin with Mr. Wadsworth.
Mr. Corning with Mr. Darrow.
Mr. Fitzpatrick with Mr. Andrew of Massachusetts.
Mr. Sabath with Mr. Allen.
Mr. Chapman with Mr. Gifford.
Mr. Mansfield with Mr. Christianson.
Mr. Duffey of Ohio with Mr. Marshall.
Mr. Connery with Mr. Wigglesworth.
Mr. Kramer with Mr. McLean.
Mr. McAndrews with Mr. Buckbee.
Mr. Burch with Mr. Thurston.
Mr. Fulmer with Mr. Wilson of Pennsylvania.
Mr. Sumners of Texas with Mr. Andrews of New York.
Mr. Miller with Mr. Hollister.
Mr. Steagall with Mr. Wolfenden.
Mr. Wilcox with Mr. Culkin.
Mr. Pettengill with Mr. Rich.
Mr. Snyder of Pennsylvania with Mr. Focht.
Mr. Patten with Mr. Lundeen.
Mr. Werner with Mr. Burdick.
Mr. Sadowski with Mr. Schneider of Wisconsin.
Mr. Nichols with Mr. Withrow.
Mr. Quinn with Mr. Knute Hill.
Mr. Smith of Virginia with Mr. Buckley of New York.
Mr. Tolan with Mr. Barden.
Mr. Williams with Mr. Cummings.
Mr. Buck with Mr. Dobbins.
Mr. Disney with Mr. Sandlin.
Mr. Greever with Mr. Wallgren.
Mr. Sweeney with Mr. Haines.
Mr. Wilson of Louisiana with Mr. Hook.
Mr. Bell with Mr. Dickstein.
Mr. Gingery with Mr. Peterson of Florida.
Mr. Lucas with Mr. White.
Mr. Oliver with Mr. Hennings.
Mr. Biermann with Mr. Hobbs.
Mr. Zioncheck with Mr. Ellenbogen.
Mr. Cross with Mr. Keller.
Mr. Lee of Oklahoma with Mr. Ferguson.
Mr. Gambrill with Mr. Ford of California.
Mr. Gray of Pennsylvania with Mr. Palmisano.

Mr. ROBERTSON changed his vote from "aye" to "no."

Mr. KNUTSON changed his vote from "aye" to "no."

Mr. RANDOLPH changed his vote from "aye" to "no."

Mr. POLK changed his vote from "aye" to "no."

Mr. BLANTON changed his vote from "no" to "aye."

Mr. DUFFY of New York changed his vote from "aye" to "no."

Mr. SUTPHIN changed his vote from "aye" to "no."

The result of the vote was announced as above recorded.

The doors were opened.

DISTRICT OF COLUMBIA SCHOOLS AS I KNOW THEM

Mrs. NORTON. Mr. Speaker, I ask unanimous consent to extend my remarks by printing in the RECORD a radio address made by myself.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mrs. NORTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address delivered by me over the radio on April 20:

I have been invited by the Columbia network to address you tonight in reply to a serious charge of communism in the schools of Washington which was broadcast over this network on Friday evening. I suggested that the proper person to reply was the

superintendent of schools who was named in the indictment, but the permission of the Board of Education was necessary and as their meeting does not take place until April 22 this permission could not be received in time. It is my hope that this permission will be granted and that the Columbia network will invite Dr. Ballou to present the case for the schools in the near future. Tonight, in the short time I have, I shall try to tell you of the schools as I know them.

Before doing so I must correct a misapprehension that perhaps exists in the minds of those of you who heard the attack of Mr. BLANTON on the Ellenbogen rent bill on Friday night. I shall quote: "The House today killed the communistic Ellenbogen bill by a vote of 85 to 196." As chairman of the committee reporting the bill to the House I want you to know that is the most ridiculous charge ever made about any bill. An almost identical bill has been introduced in the Senate by Senator CAPPER, the distinguished Senator from Kansas, and certainly no one would accuse him of communism. My colleagues in the House are about as able and fair a group as can be found anywhere in these United States. I acknowledge a great debt of gratitude to them for their fine cooperation and loyalty to me at all times. Their judgment in defeating the Ellenbogen bill I do not criticize. It was based on the fact that many thought it to be unconstitutional. Since I am not a lawyer and we have about 300 lawyers in the House, and since even the esteemed and able nine members of the United States Supreme Court rarely render a unanimous verdict, it would seem absurd to question the difference of opinion expressed by my colleagues, and I may assure you that I have not done so. But as a woman whose whole life has been built upon faith in God and in religion, I must emphatically protest against any man insulting my intelligence and yours by charging that a bill I presented in the House was communistic. I have heard many unfair charges hurled in the House in the heat of debate but there is no excuse for such injustice in the calm atmosphere of a radio studio.

Surely nothing could give more satisfaction to the Communists than such misstatement of fact. If communism ever becomes dangerous in our beloved country—and I do not believe it will—the blame can be laid at the door of the "red baiters", people who insist in seeing red everywhere and in everything. I am not minimizing the bad influence of even the small minority of people in this country who believe in communism. What I am more fearful of than their influence is the influence of those who, in the name of patriotism, are constantly raising the question, when it would seem to be the better part of wisdom for us to break down communism by concerning ourselves with the things that foster its growth. If our children were trained in the home to love God, to honor and revere the things which we have acquired under the flag of liberty and justice, we would not need to worry so much about the schools of the Nation. The serious breakdown in religion and morale in the homes of America seems to be far greater than in the schools of the Nation, and because of this the responsibility has been very heavy for our teachers. I am one who believes that the majority of the teachers of the country are patriotic and are doing as good a job in the training of our youth as can be done considering the lack of cooperation they are receiving from the average home.

The charge that has been made regarding communism in the public schools of Washington has not been proved. So far as I have been able to learn upon investigation, I would say that it has been founded upon prejudice, not fact. The president of the Board of Education, Mrs. Henry Grattan Doyle, appeared before the House Committee on Education of the District of Columbia Committee, and presented testimony which proved conclusively that there never has been any evidence that communism was either taught or advocated in the schools of Washington.

The so-called "red rider" to the appropriation bill of 1936 is an insult to every patriotic school teacher in Washington. This rider was never given consideration by Congress prior to the presentation of the conference report on that act and was passed, as is usual with conference reports, without discussion. It never should have been attached to an appropriation bill. It was a legislative act. It serves no good purpose but rather is an unwarranted reflection on a great body of men and women of the District of Columbia. I, as a Member of Congress, and I may say every other Government official take an oath of office to support and defend the Constitution of the United States when we assume office. So does every school teacher in the system. Under the terms of this "red rider" every teacher and employee of the school system must renew this oath under the ruling of the Comptroller General, Mr. McCarl before receiving their pay check signing a statement that they have not taught nor advocated communism. This has brought about so much confusion with regard to the meaning of the words "teach" and "advocate" that it has resulted in a ridiculous situation. As one teacher explained it to me, "I am so fearful of the interpretation of the words that when I come to Russia I believe the best thing to do is skip it." What a ridiculous situation in a civilized community not to speak of the danger to the children for we all know that children are curious and determined to find out in their own way—very often a dangerous way—the explanation of knowledge which is denied. Therein lies one of the worst features of this legislation. If a teacher is allowed to use his or her good judgment in explaining the Russian Government I do not think it would present a picture that anyone would wish to accept.

At the present time communism is not discussed in the public schools—in fact, it is not even mentioned. The result is that the school child becomes intrigued by the thought of learning of this dread subject of communism, and the search for information concerning it brings him in touch with biased information on the subject. The opportunity for a trained person to present the inviolable comparison between the communistic theories and ideals of American Government is lost. Would it not be far better to give the teacher the opportunity to dwell on our ideals of government? There is no stronger way to stress a point than by comparison, and no comparison is more telling than that between Americanism and communism.

As chairman on the Committee on the District of Columbia of the House of Representatives, in which capacity I have had many opportunities to study the school system of the District of Columbia, I wish to say most emphatically that I have the utmost confidence in the Board of Education and the entire school system. I believe the school children of the District of Columbia are fortunate in having as instructors and guides in the formative years the type of man and woman connected with the schools.

I appeal to every father and mother who believes in fair play in the fundamental rights and principles of a free country to ask their Representatives in Congress to remain on the floor and listen to all the arguments presented on the Sisson bill. If they do this, I have no doubt that they will render a proper verdict when the bill is voted on. To those of you who are interested and unable to hear these arguments, I suggest that you write in for a copy of the hearings before the Education Subcommittee of the Committee on the District of Columbia. While this bill is a local one and concerned only with the schools of Washington, it has a great significance, because Washington is the Capital of the Nation and our schools indirectly influence the schools of America. Therefore, this controversy has assumed national importance.

To give you a background as to why a committee of the House of Representatives should be particularly interested in a situation which has to do entirely with the District of Columbia perhaps it would be well for me to explain that the District of Columbia is by virtue of the Constitution a Federal city and it is controlled entirely by Congress. People of Washington do not have a vote and therefore their problems must be assumed by Representatives from all over the country who actually represent their own district and have but a nominal interest in the District of Columbia. The business of the House of Representatives is for the most part conducted by the membership of the House resolved into committees. Each bill introduced in the House of Representatives is immediately referred for consideration to the committee that has jurisdiction over that particular phase of legislation. It is easily seen that each Member of Congress is desirous of being placed on that committee which can be of service to his own district. The Committee on the District of Columbia receives all bills affecting the District of Columbia, one of which was the Sisson bill which provides for the repeal of the so-called "red rider." This committee is composed of 19 men and 2 women representing 20 States. The Committee on the District of Columbia is in no way connected with any problem that has to do with any Member's own district. It is concerned entirely with the municipal work of the city of Washington. Therefore, membership on this committee is of necessity a patriotic service. However, the control that Congress has over the District is merely legislative. Three Commissioners who are appointed by the President assume the same duties as the average city council without the power ordinarily given such a body. They do not even appoint the Board of Education as is usual in most cities. It is appointed by the Supreme Court of the District of Columbia.

The Commissioners do, however, have the power to recommend legislation to Congress. This is as far as their power extends, and oftentimes necessary and remedial measures recommended by the Commissioners fail to pass the House or the Senate, or both. Of course, any Member of Congress can introduce bills affecting the District of Columbia, and any citizen of Washington can request any Member of Congress to introduce a bill. Therefore it is easily seen that the District of Columbia is factually at the mercy of Congress, whose Members in many instances utterly disregard their duty to the District of Columbia.

I have gone into this matter at some length in order to give you a clear picture as to why the chairman of the Committee on the District of Columbia has come into this controversy. There is only one solution to the problem, and that is for the people of the District to have their own Representatives in Congress. I trust that this exposition of fact concerning the repeal of the "red rider" has helped to make the situation more clear to those of you interested in the problem.

I repeat again, during the long hearings held on the Sisson repeal bill not one bit of evidence produced could convince any fair-minded person that communism had ever been taught in the schools of Washington.

THE CIVILIAN CONSERVATION CORPS BRINGS MARKED IMPROVEMENT IN PHYSICAL CONDITION TO ENROLLEES

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my own remarks and include correspondence between myself and Colonel Waldron, of West Virginia.

The SPEAKER. Is there objection?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following letters:

HEADQUARTERS, CHARLESTON DISTRICT, C. C. C.,
Charleston, W. Va., April 21, 1936.

HON. JENNINGS RANDOLPH, M. C.,
House Office Building, Washington, D. C.

MY DEAR CONGRESSMAN: Have just run upon some figures which, knowing your high degree of interest in the C. C. C., I thought would be of particular interest to you. They relate to 207 enrollees who were sent to Camp P-55, Keith, W. Va., on July 22, 1935, and carry on to March 31, 1936, at which time 106 of the original personnel remained at that camp. Here they are:

1. Of the original 207 enrolled on July 22, 1935, 19 served 1 month each. Seventeen gained a total of 88 pounds, or an average of 4.42 pounds per man. The greatest individual gain was 14 pounds. Two lost weight, the maximum individual loss being 3 pounds.

2. Of the original 207 enrolled, 44 served 3 months each. Forty gained a total of 333 pounds, or an average of 7.57 pounds per man. The greatest individual gain was 21 pounds. Four lost weight, the maximum individual loss being 10 pounds.

3. Of the original 207 enrolled, 38 served 6 months each. Thirty-seven gained a total of 379 pounds, or an average of 9.97 pounds per man. The greatest individual gain was 28 pounds. One lost weight amounting to 2 pounds. He was a local experienced man past 50 years of age at enrollment.

4. Of the original 207 enrolled, 106 served 9 months each. One hundred and four gained a total of 1,499 pounds, or an average of 14.14 pounds per man. The greatest individual gain was 31 pounds. Two lost weight, the maximum individual loss being 17 pounds. Both of these were local experienced men past 50 years of age when enrolled, and one of them was 38 pounds overweight at date of enrollment.

To my way of thinking, the foregoing seems to justify the West Virginia maxim of "Feed 'em well; work 'em hard, and treat 'em fair."

With kindest personal regards, I am,
Cordially yours,

W. H. WALDRON,
Colonel, Infantry, Commanding.

APRIL 22, 1936.

Col. W. H. WALDRON,
Commanding Officer, Civilian Conservation Corps,
Charleston, W. Va.

MY DEAR COLONEL WALDRON: Replying to your informative and helpful letter of April 21, let me thank you sincerely for this information, disclosing as it does the splendid physical improvement made by the Civilian Conservation Corps' enrollees.

This worth-while program, in which the Army has played an important part and in which youth is given a helping hand, will continue, I feel sure, to merit general approval.

With deep appreciation for your fine aid and with kindest personal regards, I am

Most cordially yours,

JENNINGS RANDOLPH.

OMNIBUS CLAIMS BILL

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Title XIV—(H. R. 3866. For the relief of Emanuel Bratses)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Emanuel Bratses, a citizen of Philadelphia, Pa., the sum of \$5,000. Such sum shall be in full settlement of all claims against the United States for damages sustained by the said Emanuel Bratses on account of loss of left leg, above the knee, due to an accident sustained in the Brooklyn Navy Yard on May 27, 1933, while the said Emanuel Bratses was engaged as a painter for Pamfils Contracting Co., a Maryland corporation of Baltimore, Md. Said accident was occasioned by the negligence of an employee of the United States Government who was operating a traveling crane, which ran over the leg (and body) of said Emanuel Bratses, necessitating the amputation of the left leg above the knee, as hereinbefore recited.

With the following committee amendment:

Strike out, beginning with line 5, down to and including line 20, and insert the following: "That jurisdiction is hereby conferred upon the Court of Claims of the United States to hear, determine, and render judgment upon the claim of Emanuel Bratses for injuries and damages sustained in an accident in which he lost his leg at the Brooklyn Navy Yard, Brooklyn, N. Y., on May 27, 1933: *Provided*, That proceedings in any suit brought in the Court of Claims under this act, appeals therefrom, and payment of any judgment therein shall be had as in the case of claims over which said court has jurisdiction under section 145 of the Judicial Code, as amended.

The committee amendment was agreed to.

The title was amended to read as follows: "To confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of Emanuel Bratses."

The Clerk read as follows:

Title XV—(H. R. 3934. For the relief of Art Metal Construction Co. with respect to the maintenance of suit against the United States for the recovery of any income or profits taxes paid to the United States for the calendar year 1918 in excess of the amount of taxes lawfully due for such period)

That the time within which suits may be instituted by Art Metal Construction Co., a corporation organized under the laws of Massachusetts, having its principal place of business in Jamestown, N. Y., against the United States for the recovery of any income or profits taxes paid to the United States for the calendar year 1918 in excess of the amount of taxes lawfully due for said period be, and the same is hereby, extended to October 1, 1935, and jurisdiction is hereby conferred upon the Court of Claims of the United States, and it is hereby authorized and directed to hear and determine on the merits any suit commenced therein against the United States prior to October 1, 1935, for the recovery of any overpayment of such taxes, any finding, determination, judgment, rule of law, or statute to the contrary notwithstanding.

And if it shall be found in any such suit that such tax has been overpaid, the court shall render final judgment against the United States and in favor of said taxpayer for the amount of such overpayment with interest at 6 percent per annum from the date of payment, such judgment to be subject to review by the Supreme Court of the United States as in other cases.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 19, line 7, strike out all of title XV.

Mr. COSTELLO. Mr. Speaker, this bill provides for a waiver of the statute of limitations in favor of the Art Metal Construction Co., in order that they may maintain a suit to recover taxes paid in the year 1918, which they allege are in excess of the amount lawfully due for that period. It appears that the claimant has filed suit for a refund in the district court of New York and an adverse ruling was made upon the case. It was then carried through the courts to the Supreme Court, and the Supreme Court again ruled against the claimant herein.

After denying a writ of certiorari in the case of this taxpayer the Supreme Court then granted such a writ to review other cases involving practically the same question—namely, whether or not a timely claim for refund in general terms could be amended to state a specific ground after the statute of limitations barred the filing of a new refund claim, but before the original claim was rejected by the Commission. After this decision of the Supreme Court the claimant herein filed an application to reopen this case which the Court did not grant; and the attempt here, then, is to allow this claimant, after many years, to present its case anew to the courts and obtain therefore a refund of this tax in the sum of \$41,000. My amendment moves to strike out this bill.

Mr. REED of New York. Mr. Speaker, I think the gentleman has made just as fair a statement as he could make under the circumstances. The fact remains, however, that this corporation employing many men and carrying a large pay roll during this depression paid in income and profits taxes for the year 1918, \$538,000; and in order to make sure they were paying enough they overpaid, according to the Commissioner of Internal Revenue, \$41,000. This company was so notified by the Commissioner of Internal Revenue.

There is not the slightest doubt that the Government now has \$41,000 that rightfully belongs to this taxpayer who has performed really a signal service by furnishing men employment during this depression and doing it out of its capital rather than its earnings. All they ask is the right to come into the Court of Claims. It is nothing but a technicality on the part of the Government. This taxpayer did everything within the range of human possibility and legal acumen to comply with the regulations of the Treasury Department, but unfortunately they were unable to satisfy the Treasury, not as to the legality of the claim, but purely upon a technicality in the form in which they filed their claim. They then had to resort to the courts, and step by step they went up through the courts, just as the gentleman from California states. Subsequently the Supreme Court in two other cases involving precisely the same questions decided in favor of the taxpayers. In the meantime

the Art Medal Construction Co. did ask for a writ of certiorari and the Court held simply that they had lost jurisdiction of the matter. The merits of the case remain precisely the same.

Mr. Speaker, we are sitting here not only as legislators but also as a party in interest and as judges. We are sitting as a court of equity, the last resort of the taxpayer to obtain that which rightfully belongs to him; and I hope this House, in view of the fact that the Government admits it is not rightfully holding this money but is standing upon just a mere thread of technicality, will say that the claimant may be permitted to go into the Court of Claims and establish his claim upon the merits of the case.

Mr. MEAD. Mr. Speaker, will the gentleman yield?

Mr. REED of New York. I yield.

Mr. MEAD. The factory of this company is located in the western end of New York State. I am very familiar with the facts and the record, and I do not believe my colleague has exaggerated his statement one iota.

Mr. Speaker, I hope the amendment will be defeated.

The SPEAKER. The question is on the amendment of the gentleman from California.

The amendment was rejected.

JESSIE T. LAFFERTY

The Clerk read as follows:

Title XVI—(H. R. 4060. For the relief of Jessie T. Lafferty)

That the Comptroller General of the United States is authorized and directed to credit the account of Jessie T. Lafferty, postmaster at Perth, Kans., in the sum of \$330.53, due the United States on account of fixed credit funds, postage stamps, and postal funds which were lost as a result of a burglary August 22, 1931.

Title XVII—(H. R. 4079. For the relief of Garfield Arthur Ross)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Garfield Arthur Ross, of Chicago, Ill., the sum of \$5,000 in full settlement of his claim against the Government for personal injuries sustained as a result of subjecting himself to the required antityphoid serum injections during the spring of the year 1931, such injections having been administered by a Government doctor as a prerequisite to his admission as a trainee in the citizens' military training camp at Fort Sheridan, Ill.

Committee amendment:

Page 21, line 9, after the word "Illinois", insert: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

Mr. HANCOCK of New York. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HANCOCK of New York: Strike out title XVII.

Mr. HANCOCK of New York. Mr. Speaker, the young man for whose benefit this bill was introduced was a candidate for admission to one of the C. M. T. C. camps in 1931. As a prerequisite he was required to take antityphoid serum. He had two injections of this serum, and after the second injection the young man was taken violently ill, sent to a hospital, and there found to be suffering a severe case of spinal meningitis.

The medical testimony in the case is that spinal meningitis cannot and does not follow as a consequence of injecting serum to protect against typhoid fever. The medical testimony is to the effect that there is a period of incubation of 2 or 3 weeks during which spinal meningitis develops; and the conclusion is that this young man at the time he took the injections was suffering from the early stage, the incubation stage, of spinal meningitis, and that he would have had spinal meningitis with or without the injections; that the injections he received had no connection whatever with his disability.

It also appears from the evidence that a great many other young men received this same vaccine, or serum, without any ill consequences whatever.

The man who gave the injections was an experienced physician. He administered the same injection to a great number of other applicants at the same camp without any illness following.

Mr. Speaker, it was a very unfortunate thing that this young man should become afflicted with this very serious disease, but there is no evidence it was in any way caused by any act or misconduct on the part of an agent of the Government.

I think it should also be called to the attention of the Members that under the general law there is no liability on the part of the Government for injuries or disabilities suffered by men attending C. M. T. C. camps, other than the requirement that they receive hospital care if they are injured at camp or in going to and from the camp. Their families are also entitled to some reasonable allowance for funeral expenses in case they are killed while at camp. If we want to go further than that I think a general law should be enacted. Nearly 40,000 boys go to these camps every year and some of them are injured but, so far as I know, none have ever received benefits of this kind.

Mr. Speaker, I have objected to a great many of these bills for the same reason that I objected to this one. This opens up a new source of expense to the Government. If the Congress believes that claims of this kind should be paid the proper committee should bring in a general law on the subject for consideration. I am very sorry for this boy, but there is no liability on the part of the Government toward this young man nor any precedent for paying such a claim, so far as I can learn.

The SPEAKER. The question is on the amendment offered by the gentleman from New York [Mr. HANCOCK].

The amendment was agreed to.

The Clerk read as follows:

Title XVIII—(H. R. 4942. For the relief of Patrick Henry Walsh)

That the Secretary of the Treasury is authorized and directed to pay to Patrick Henry Walsh, of Cliffside Park, N. J., out of any money in the Treasury not otherwise appropriated, the sum of \$3,000 in full satisfaction of all claims against the United States for damages on account of injuries resulting from being struck by a United States mail truck at Jersey City, N. J., on December 19, 1924: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. COSTELLO. Mr. Speaker, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. COSTELLO: On page 21, line 25, after "pay to" insert the words "the estate of" and amend the title to read "For the relief of the estate of Patrick Henry Walsh."

The SPEAKER. The question is on the amendment offered by the gentleman from California [Mr. COSTELLO].

The amendment was agreed to.

Mr. COSTELLO. Mr. Speaker, I offer another amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. COSTELLO: On page 22, line 2, after the words "sum of" strike out "\$3,000" and insert "\$1,500."

The SPEAKER. The question is on the amendment offered by the gentleman from California.

The amendment was agreed to.

Mr. HOPE. Mr. Speaker, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HOPE: Page 21, line 22, strike out all of title XVIII.

Mr. HOPE. Mr. Speaker, this claim is made on account of alleged injuries to the claimant, Patrick Henry Walsh, who was struck by a mail truck while crossing a street at otherwise than a crossing intersection. The evidence shows that the mail truck which struck him was traveling at a rate of speed estimated to have been from 7 to 15 miles an hour. It was not traveling at an excessive rate of speed. It is shown further that the claimant was crossing in the middle of the block 28 feet from the regular crossing or intersection—in other words, jaywalking—and that he came out onto the street from behind a column or pillar so that he could not be observed by the driver of the truck in time to avoid the accident.

Mr. Speaker, I submit under these circumstances, with the contributory negligence of the claimant shown, there could not possibly create any liability against either the driver or the Government. Such a claim as this would not be asserted at all except against the Government of the United States. As a matter of fact, an action at law was brought by the claimant against the driver of the truck, but before the case came to trial it was dismissed by the claimant. He has chosen to pursue his remedy against the Government by having this bill introduced into the Congress. The claim is an old one. It has been pending in the Congress for a number of years. The accident dates back to 1924, some 12 years ago.

Mr. Speaker, I submit that under all the circumstances the Government of the United States should not be held liable in a claim of this kind.

Mr. McCORMACK. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, we had the experience just a few minutes ago of seeing a section stricken from the omnibus bill which concerned an individual. I would like to have heard the other side of that case. I am somewhat disturbed. I voted "no" because I did not know what the full facts were. The thought entered my mind whether or not the infection by the doctor was a contributing cause. What happened may not have been the cause medically, but it may have aggravated a pre-existing condition, or it might have lit up a dormant condition and there would be a moral responsibility. However, that is water over the dam. Another section is presented here which affects an individual, now dead. This individual cannot speak for himself. The distinguished gentleman from New Jersey [Mr. KENNEY], who introduced the bill, is unavoidably away from the floor on account of official business. I am speaking in his behalf. I am going to vote against the amendment. The amount has been reduced to \$1,500, the committee having made a favorable report in the sum of \$3,000. A moral obligation of the Government can only be paid through the medium of a private bill. There is no legal right to sue the Government. I can well understand why the case would be dismissed against the driver. The reason probably was because the driver had no money anyway. All of us who are lawyers have had cases of that kind at some time or other. Personally I never bring a case against a driver because he is a man who usually gets only a small salary. In the case of an employee of the city of Boston, I do not sue the man who drives the truck. What is the use? Of course, suit could be brought against him, but if I got a judgment what good would it be? What good would a judgment be in this case? The plaintiff should be commended for dismissing the case against the driver under the circumstances.

Mr. Speaker, the important fact is that the committee has reported this bill favorably, and as far as we are concerned the committee to which the bill is referred is the court, and I am going to accept the judgment of the committee.

Mr. HANCOCK of New York. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. HANCOCK of New York. May I ask the gentleman from Massachusetts if he has read the committee's report?

There are three witnesses to this accident. One is the gentleman who was injured, and the other two, I will confess, are perhaps as interested as he since they are employees of the Federal Government. The one man says he was in-

jured through the negligence of the employees of the Government, while the other two say he was jay walking 28 feet from the cross walk, stepped out from behind a pillar of the elevated railroad directly in the path of a slow-moving mail truck. How can the gentleman assume, as a matter of law, that the claimant is right and the Government employees are wrong, when the weight of the testimony is in favor of the Government?

Mr. McCORMACK. The committee is the one to weigh the facts.

Mr. HANCOCK of New York. These are the facts.

Mr. McCORMACK. A majority of the members of the committee reported out this bill after the able presentation of the evidence by the gentleman from New Jersey [Mr. KENNEY]. They heard the evidence, and we are sitting here now and cannot go into all the testimony, but there is a presumption in my mind that a report made by a committee is entitled to support unless I have controlling evidence to overturn such presumption.

Now, an amendment has been offered from the Democratic side reducing the amount from \$3,000 to \$1,500. The committee has reported the measure favorably, the committee heard the evidence and weighed all the facts. I recognize that some of us might receive the same facts, and they might impress us differently. However, whoever this gentleman is, he has gone into the great beyond. He cannot speak for himself. The committee received his evidence and they weighed the evidence and based upon the evidence of all the witnesses, the committee has reported out this bill in the sum of \$3,000, which has now been reduced to \$1,500.

I went along with the \$1,500 amendment, but I am going to vote against the amendment to strike out the bill entirely from this omnibus measure.

[Here the gavel fell.]

The SPEAKER. The question is on the amendment offered by the gentleman from Kansas.

The amendment was rejected.

The Clerk read as follows:

Title XIX—(H. R. 6661. For the relief of Maj. Joseph H. Hickey)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Maj. Joseph H. Hickey, United States Army, retired, the sum of \$3,880.28, in full settlement of all claims against the Government of the United States for a shortage in public funds due to irregularities in the accounts of a noncommissioned officer, now deceased, which officer was in charge of the commissary, New Orleans general depot, September 1920 to August 1921, and for which shortage Major Hickey has accounted to the United States Government: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. COCHRAN. Mr. Speaker, a similar bill (S. 2741) became Private Act No. 388 in the Seventy-fourth Congress and was approved February 11, 1936, which was after this title was included in the bill. I therefore move to strike out the title, as the bill is already a law.

Mr. KENNEDY of Maryland. Mr. Speaker, that is agreeable to the committee.

The SPEAKER. Without objection, the title will be stricken from the bill.

There was no objection.

The Clerk read as follows:

Title XX—(S. 753. To carry out the findings of the Court of Claims in the case of the Wales Island Packing Co.)

That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$100,000 to the Wales Island Packing Co. for the injury to the business and property of said company on Wales Island on account of the decision of the Alaska boundary tribunal, under which the possession of said island has passed from the United States to the Dominion of Canada, as found by the Court of Claims and reported in Senate Document No. 61, Seventy-second Congress, first session: *Provided*, That no part of the amount appropriated in

this act in excess of 20 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, or other party or parties, on account of services rendered in any way in connection with the presentation, passage, or collection of said claim or any part thereof. It shall be unlawful for any such agent or agents, attorney or attorneys, or others as herein provided, to collect, receive, exact, or withhold a portion of the amount appropriated in this act in excess of 20 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 24, line 2, after the word "company", insert "in full settlement of all claims against the Government of the United States."

The committee amendment was agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 24, lines 11 and 19, after the words "in excess of", strike out "20" and insert "10."

Mr. COSTELLO. Mr. Speaker, this amendment simply changes the limitation on the attorneys' fees from 20 percent to 10 percent, which is the customary amount allowed.

Mr. KENNEDY of Maryland. Mr. Speaker, it is agreeable to the committee to accept the amendment.

The amendment was agreed to.

The Clerk read as follows:

Title XXI—(S. 788. For the relief of the International Mercantile Marine Co.)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$2,400 to the International Mercantile Marine Co., to reimburse said company for penalties which were assessed and collected but not actually incurred under the immigration laws of the United States; and so found by the Circuit Court of Appeals for the Second Circuit on July 7, 1931 (51 Fed. (2d) 1053), the failure of said company to file suit within the statutory period of limitations for the recovery of said sum being hereby waived: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 25, line 6, after the word "company", strike out "to reimburse said company" and insert in lieu thereof "in full settlement of all claims against the Government of the United States."

The committee amendment was agreed to.

The Clerk read as follows:

Title XXII—(S. 790. For the relief of the Compagnie Generale Transatlantique)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 to the Compagnie Generale Transatlantique, to reimburse said company for penalties which were assessed and collected but not actually incurred under the immigration laws of the United States, and so found by the Circuit Court of Appeals for the Second Circuit on July 7, 1931 (51 Fed. (2d) 1053), the failure of said company to file suit within the statutory period of limitation for the recovery of said sum being hereby waived: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 26, line 8, after the word "Transatlantique", strike out "to reimburse said company" and insert "in full settlement of all claims against the Government of the United States."

The committee amendment was agreed to.

The Clerk read as follows:

Title XXIII—(S. 921. For the relief of C. J. Mast)

That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to C. J. Mast, of Charlo, Mont., the sum of \$255 in full satisfaction of his claim against the United States for damages on account of injury to his crops in the years 1924 to 1928, both inclusive, by reason of breaks in a lateral dike in connection with the Flathead irrigation project: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. COCHRAN. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 27, line 4, strike out all of title XXIII.

Mr. COCHRAN. Mr. Speaker, the amount is so small in this bill that I dislike to take up the time of the House, but there is a principle involved. The claim is for crops damaged over a period of several years.

The outstanding question is, Is Congress going to approve of claims for damages resulting from ravages by muskrats when the Government was exercising due care trying to eliminate such pests? There was no negligence on the part of the Government on the irrigation project.

All along the Mississippi River and in the Mississippi Valley people are demanding money from the Government because the improvements made in connection with flood-control projects, and so forth, have damaged property. They do not think of the benefits that accrue as a result of this work.

If you are going to approve of a bill of this kind, you are adopting a policy that might be very harmful in the future.

Mr. KENNEDY of Maryland. Will the gentleman yield?

Mr. COCHRAN. Yes.

Mr. KENNEDY of Maryland. Is the gentleman aware that the Secretary of the Interior approves of this bill?

Mr. COCHRAN. Yes; but, with all due respect to the Department of the Interior, the Department approves nearly all the bills reported from the gentleman's committee.

Getting back to my argument, I have on my desk at the present time a bill where a man in southeast Missouri wants about \$25,000 because of flood-control work. I have told him I am opposed to such legislation.

It is a very dangerous policy for Congress to adopt one that says the Government is going to pay damages on irrigation and flood-control projects.

Mr. KENNEDY of Maryland. The gentleman's statement that the Department of the Interior approves most of the bills sent to the Claims Committee I do not think is warranted. It disapproves many bills.

Mr. COCHRAN. The Interior Department has approved most of the bills before the Committee on Indian Affairs, bills of which it has no records. Why, they recommended two bills—Indian bills—and I brought the statutes before the House showing that Congress passed bills and paid the very claims years ago.

Mr. KENNEDY of Maryland. But we are dealing with claims before the Claims Committee, and not before the Committee on Indian Affairs.

Mr. COCHRAN. I realize that; but where they make mistakes before one committee, they will make others. I doubt if the Department considered the point I am making. If it did, I cannot agree. No doubt there was some little damage, but the Government certainly should not be held responsible for what the rats did when the Government was spending money trying to exterminate them. I repeat, the amount is very small, but others will point to this bill in asking that their claims be considered if the measure is agreed to.

Mr. HANCOCK of New York. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. Yes.

Mr. HANCOCK of New York. It has been stated that the Secretary of the Interior approves this bill. In that connection I call the attention of the gentleman to the fact that the Comptroller General very strongly disapproves of it, and states his reason in conclusive legal language.

Mr. COCHRAN. I intended to call the attention of the House to the Comptroller's views. I think we will be adopting a policy that we will regret in the future if you pass this bill. That is the only reason that I call it to the attention of the House, because it involves only \$255. The bill should be defeated. If it is not defeated, you practically say to thousands of others that you will approve bills for damages resulting from irrigation and flood-control projects.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next title.

The Clerk read as follows:

Title XXIV—(S. 998. To carry out the findings of the Court of Claims in the case of George Lawley & Son Corporation, of Boston, Mass.)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$92,781 to the George Lawley & Son Corporation, of Boston, Mass., being the difference between the actual cost of the construction of two torpedo boats and the amount paid under the contract entered into for the building of said boats, as found by the Court of Claims and reported in Senate Document No. 135, Seventy-third Congress, second session: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 28, line 8, strike out the word "being" and insert "in full settlement of all claims against the Government of the United States for"; page 28, line 15, strike out the figures "10" and insert "20"; page 28, line 21, strike out the figures "10" and insert "20."

Mr. COSTELLO. Mr. Speaker, I ask for a separate vote on the committee amendments because of the fact that the second and third amendments, if agreed to, would increase the attorney's fees from 10 to 20 percent, which is contrary to our custom.

The SPEAKER. The question is on agreeing to the first committee amendment.

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the second amendment.

Mr. McCORMACK. Mr. Speaker, with reference to that, this bill affects a constituent of mine. I think the position of the gentleman from California is correct. Personally I would much prefer to see 10 percent rather than 20 percent.

The SPEAKER. The question is on agreeing to the second committee amendment.

The amendment was rejected.

The SPEAKER. The question now is on the third committee amendment.

The amendment was rejected.

Mr. HOPE. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HOPE: Page 28, line 1, strike out all of title XXIV.

Mr. HOPE. Mr. Speaker, this bill purports to carry out the findings of the Court of Claims in the case of George Lawley & Son Corporation, of Boston, Mass. One would get the impression from that that the Court of Claims in this particular case had found in favor of this corporation. As a matter of fact, the Court of Claims found in favor of the

Government, and the conclusion of law made by the Court of Claims reads as follows:

Upon the foregoing special findings of fact, which are made part of the judgment herein, the court decides as a conclusion of law that the plaintiff is not entitled to recover and its petition is dismissed. Judgment is rendered against the plaintiff for the cost of printing the record herein, the amount to be ascertained by the clerk and collected by him according to law.

That conclusion of law is certainly justified by the findings of fact. In this case claimant entered into a contract with the Government for the construction of two torpedo boats, and this claim is for the excess between the contract price and the actual cost of the boats. It turns out that the company was not able to construct the boats for the contract price, but there is nothing in the record anywhere to show that this was in any way the fault of the Government of the United States or that it occurred by reason of any facts which was not within the knowledge or reasonable contemplation of the claimant at the time the contract was entered into. I do not know of any reason why those who contract with the Government of the United States should not be held to their contracts just the same as they would be held in the case of a contract between individuals. In this particular case the difference in the amount of the contract price and the excess cost is very largely accounted for by the fact that there were increases in the cost of materials, and that the claimant company had some labor trouble in its plant, and, although not required to do so by its contract, the Government did all it could to help that situation by extending the time in which the company could complete the boats, instead of claiming whatever forfeitures might have accrued to the Government by reason of the delay.

The findings of the court disclose that the Government in every possible way assisted the claimant company in ironing out its difficulties, and there is no evidence here that the Government failed to do that which it should have done, but it lived up to its contract, and whatever difference there was in the case is due entirely to causes which, if not within the control of the claimant company, should and could have been foreseen by it when it entered into the contract. Under these circumstances I do not believe that we should go back to a contract made in 1898 and pass a bill which has been buffeted back and forth in Congress between the House and the Senate and in and out of committees through all that long period of time and render a judgment for almost \$100,000 against the Government of the United States.

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. McCORMACK. Mr. Speaker, the gentleman who has just spoken read only a portion of the complete report of the Court of Claims. He read what came under the heading of "Conclusion of law", but he failed to read the opinion upon which the conclusion of law was based.

The gentleman's statement of what the court said with reference to the conclusion of law is correct. Of course, we know they have no legal or equitable right, but they have a moral right. In the opinion, which is a part of the record, it was stated, "Plaintiff's claim for relief is therefore solely a matter for Congress."

Of course, it is a matter for Congress; but the Court of Claims investigated the facts and the Court of Claims found that the amount stated in this bill was the extra expenses incurred in connection with the building of the vessels. This extra amount was incurred as a result of the Government's own action in the main. The Government changed the specifications from time to time while these vessels were under construction.

Mr. HOPE. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. HOPE. Does not the report show that the claimant was compensated for those changes under the terms of the contract?

Mr. McCORMACK. Oh, no.

Mr. HOPE. I call the gentleman's attention to the report, on page 123.

Mr. McCORMACK. The Court of Claims went into this matter thoroughly.

Mr. HOPE. Will the gentleman yield further?

Mr. McCORMACK. Pardon me now. I only have 5 minutes.

This is the situation: The findings of the Court of Claims refer only to a legal right of recovery as plaintiff in a lawsuit. The only significance of the judgment of the court is that the claimant could not bring a suit for recovery. The congressional reference to the Court of Claims recognized that the company had no legal right of action to recover the amount of these losses. The Court of Claims was asked by Congress to find the facts, including the amount of the loss. It did so, and found it amounted to \$92,781. The court points out in its opinion that plaintiff's claim for relief is a matter for Congress.

That claimant should have relief from its loss has been, on several occasions, recommended by the Secretaries of the Navy, beginning with Secretary Long. These recommendations are based on report of the board of naval officers, known as the Ramsay Board, and upon the circumstances under which the claimant incurred this loss.

The same recommendations were made with reference to all of the companies building these boats, and in the case of the Fore River Shipbuilding Co., where similar findings were made by the Court of Claims in Congressional No. 15006, said findings were carried out by Congress by the passage of a bill similar to the Lawley bill, and the money appropriated thereunder has been paid to said Fore River Co.

Vessels of this design were new in our Navy at the time and the Navy Department, due to lack of technical knowledge of this type of vessel, made requirements as to displacement, design, and speed which could not be carried out without extensive changes in the original plans and specifications. These changes were made as the work progressed and several of them necessitated changes in materials used in the design of other portions of the vessels. The original plans of the contractor as to the method of attaching the engine to the hull had been rejected by the Navy Department which had insisted on the use of its own designs. After the vessels were partially completed these plans were abandoned, and the original suggestions of the contractor were adopted, adding to the cost.

As result of the changes and experimentation with the plans the claimant was required to have 24 preliminary trials on the *Blakely* and 16 preliminary trials on the *DeLong* which are much in excess of the usual number. After these trials were made the engine foundations on both vessels were required to be changed by the Navy Department.

The cost of construction of the vessels, due to the reasons given above, greatly exceeded what was anticipated by either of the contracting parties. The Court of Claims has found that the claimant did nothing to unnecessarily increase the cost. As the loss resulting from the increased cost from which the claimant seeks relief was in no instance due to any fault or miscalculation of the claimant, it should not be required to continue to bear this loss, which it has done with great difficulty for a number of years.

The United States received the benefit of the improved design and better materials of the completed vessels which weighed nearly 35 tons more than originally contracted for. The United States also received the benefit of the experimental work done with the vessels which has been of great value in subsequent constructions, as pointed out by the Secretary of the Navy.

This matter has been before the Court of Claims. The Court of Claims has found that this sum was expended by the claimant. It is a moral obligation. The Congress has paid other companies on similar claims in the past; other companies separate and distinct from this company. Congress has found in the past that this is a just claim. A legal technicality is now advanced. The court has properly said that it had no right as a matter of law to make a finding; that that was a matter for the Congress, because there was a moral obligation involved. That was just the same as the

case to which I referred a moment ago of the party who died. He has no legal case against the Government, but he had a moral case. There is a moral obligation on the part of the Government, and a private bill had to be filed. The Court of Claims has found that the amount stated in this bill was spent through no fault of the claimant. The only way it can be paid is through the filing and the passage of a private bill. The passage of this bill is necessary for the Government to meet a just moral obligation.

I hope the amendment will be rejected.

[Here the gavel fell.]

The SPEAKER. The question is on the amendment offered by the gentleman from Kansas.

The question was taken; and on a division there were ayes 27 and noes 32.

Mr. HOPE. Mr. Speaker, I object to the vote on the ground that there is not a quorum present.

The SPEAKER. The Chair will count. [After counting.] Evidently there is no quorum present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 117, nays 150, answered "present" 1, not voting 160, as follows:

[Roll No. 75]

YEAS—117

Andresen	Cox	Johnson, Tex.	Patterson
Andrews, N. Y.	Crawford	Kloeb	Pearson
Arends	Crosser, Ohio	Kniffin	Peterson, Ga.
Ashbrook	Crowther	Lambertson	Pierce
Bacon	Deen	Lambeth	Polk
Barry	Dondero	Lanham	Ransley
Beiter	Doxey	Lea, Calif.	Reed, Ill.
Blinderup	Driscoll	Leibach	Robertson
Blackney	Driver	Lemke	Sauthoff
Blanton	Engel	Lewis, Colo.	Schneider, Wis.
Buchanan	Englebright	Lord	Secrest
Buck	Fish	Luckey	Seger
Buckler, Minn.	Fletcher	Ludlow	Short
Burdick	Focht	McClellan	Snell
Burnham	Ford, Miss.	McFarlane	Stefan
Cannon, Mo.	Fulmer	McGehee	Stubbs
Carlson	Gearhart	McReynolds	Taber
Carpenter	Gehrmann	Mahon	Taylor, S. C.
Carter	Gilchrist	Main	Terry
Castellow	Goodwin	Mapes	Thurston
Chandler	Gray, Ind.	Marcantonio	Turner
Cochran	Guyer	Martin, Colo.	Turpin
Coffee	Halleck	Massingale	White
Colden	Hancock, N. Y.	May	Whittington
Cole, N. Y.	Hess	Meeks	Wolcott
Colmer	Higgins, Conn.	Mechner	Woodruff
Cooley	Hollister	Millard	Young
Cooper, Ohio	Hope	Mott	
Cooper, Tenn.	Huddleston	Murdock	
Costello	Hull	Nelson	

NAYS—150

Bacharach	Goldsborough	Mitchell, Ill.	Sisson
Beam	Granfield	Monaghan	Smith, Conn.
Bland	Griswold	Norton	Smith, Va.
Boland	Gwynne	O'Brien	Smith, Wash.
Boylan	Hamlin	O'Connell	Smith, W. Va.
Brooks	Harlan	O'Connor	Snyder, Pa.
Brown, Ga.	Hart	O'Leary	Somers, N. Y.
Brown, Mich.	Healey	O'Neal	South
Caldwell	Hennings	Owen	Spence
Carmichael	Higgins, Mass.	Parsons	Sutphin
Cartwright	Holmes	Patman	Tarver
Casey	Houston	Patton	Taylor, Tenn.
Church	Imhoff	Perkins	Thomason
Citron	Jacobsen	Peterson, Fla.	Thompson
Creal	Jenckes, Ind.	Peyser	Tinkham
Crowe	Johnson, Okla.	Pfeifer	Tobey
Cullen	Johnson, W. Va.	Pittenger	Tolan
Curley	Jones	Plumley	Treadway
Daly	Kahn	Powers	Utterback
Dingell	Kelly	Rabaut	Vinson, Ga.
Disney	Kennedy, Md.	Ramsay	Vinson, Ky.
Dockweiler	Kenny	Randolph	Wallgren
Dorsey	Kerr	Reece	Walter
Doughton	Kinzer	Reed, N. Y.	Warren
Drewry	Kleberg	Reilly	Wearin
Duffy, N. Y.	Knutson	Richardson	Welch
Duncan	Kocalkowski	Robinson, Utah	West
Dunn, Pa.	Kramer	Rogers, Mass.	Whelchel
Eckert	Kvale	Rogers, N. H.	Wilcox
Ekwall	Lesinski	Rogers, Okla.	Williams
Evans	Lewis, Md.	Russell	Willson, La.
Faddis	Lucas	Ryan	Wolverton
Flesinger	McCormack	Sanders, Tex.	Wood
Frey	McKeough	Schulte	Woodrum
Gassaway	McLaughlin	Scruggam	Zimmerman
Gildea	McMillan	Sears	
Gillette	Maas	Shanley	
Gingery	Maverick	Sirovich	

ANSWERED "PRESENT"—1

Bankhead

NOT VOTING—160

Adair	Dear	Hildebrandt	O'Malley
Allen	Delaney	Hill, Ala.	Palmisano
Amile	Dempsey	Hill, Knute	Parks
Andrew, Mass.	DeRouen	Hill, Samuel B.	Pettengill
Ayers	Dickstein	Hobbs	Quinn
Barden	Dies	Hoepfel	Ramspeck
Bell	Dietrich	Hoffman	Rankin
Berlin	Dirksen	Hook	Rayburn
Biermann	Ditter	Jenkins, Ohio	Rich
Bloom	Dobbins	Kee	Richards
Boehne	Doutrich	Keller	Risk
Boileau	Duffey, Ohio	Kennedy, N. Y.	Robison, Ky.
Bolton	Dunn, Miss.	Kopplemann	Romjue
Boykin	Eagle	Lamneck	Sabath
Brennan	Eaton	Larrabee	Sadowski
Brewster	Edmiston	Lee, Okla.	Sanders, La.
Buckbee	Elcher	Lundeen	Sandlin
Buckley, N. Y.	Ellenbogen	McAndrews	Schaefer
Bulwinkle	Farley	McGrath	Schuetz
Burch	Fenerty	McGroarty	Scott
Cannon, Wis.	Ferguson	McLean	Shannon
Cary	Fernandez	McLeod	Stack
Cavicchia	Fitzpatrick	McSwain	Starnes
Celler	Flannagan	Maloney	Steagall
Chapman	Ford, Calif.	Mansfield	Stewart
Christianson	Fuller	Marshall	Sullivan
Claiborne	Gambrill	Martin, Mass.	Summers, Tex.
Clark, Idaho	Gasque	Mason	Sweeney
Clark, N. C.	Gavagan	Mead	Taylor, Colo.
Cole, Md.	Gifford	Merritt, Conn.	Thom
Collins	Gray, Pa.	Merritt, N. Y.	Thomas
Connerly	Green	Miller	Tonry
Cornig	Greenway	Mitchell, Tenn.	Wadsworth
Cravens	Greenwood	Montague	Weaver
Crosby	Greever	Montet	Werner
Cross, Tex.	Gregory	Moran	Wigglesworth
Culkin	Haines	Moritz	Wilson, Pa.
Cummings	Hancock, N. C.	Nichols	Withrow
Darden	Harter	O'Day	Wolfenden
Darrow	Hartley	Oliver	Zioncheck

So the amendment was rejected:

The Clerk announced the following additional pairs:
Additional general pairs:

Mr. Cary with Mr. Ditter.
Mr. Rankin with Mr. Wadsworth.
Mr. Parks with Mr. Wilson of Pennsylvania.
Mr. McSwain with Mr. Culkin.
Mr. Samuel B. Hill with Mr. McLean.
Mr. Burch with Mr. Hoffman.
Mr. Mead with Mr. McLeod.
Mr. Dies with Mr. Risk.
Mr. Miller with Mr. Lundeen.
Mr. Ramspeck with Mr. Brewster.
Mr. Fuller with Mr. Scott.
Mr. Ayres with Mr. Shannon.
Mr. Lamneck with Mr. Mason.
Mr. Cravens with Mr. Harter.
Mr. McGrath with Mr. Delaney.
Mr. Richards with Mr. Hildebrandt.
Mr. Darden with Mr. Adair.
Mr. Bloom with Mr. Hook.
Mr. Greever with Mr. Dobbins.
Mr. Kopplemann with Mr. Cannon of Wisconsin.
Mr. Maloney with Mr. Weaver.
Mr. Starnes with Mr. Dempsey.
Mr. Hill of Alabama with Mr. Tolan.
Mr. Larrabee with Mrs. O'Day.
Mr. Werner with Mr. Dietrich.
Mr. Summers of Texas with Mr. Buckley of New York.
Mr. Hancock of North Carolina with Mr. Merritt of New York.
Mr. Cummings with Mr. Mason.
Mr. Gasque with Mr. Sadowski.
Mr. Elcher with Mr. Sandlin.
Mr. Oliver with Mr. Gregory.
Mr. DeRouen with Mr. Celler.
Mr. Green with Mr. Cannon of Wisconsin.
Mr. Dear with Mr. McGroarty.

Mr. JOHNSON of West Virginia changed his vote from "aye" to "no."

Mr. TINKHAM changed his vote from "aye" to "no."

Mr. TAYLOR of Tennessee changed his vote from "aye" to "no."

The result of the vote was announced as above recorded.

The doors were opened.

The Clerk read as follows:

Title XXV—(S. 1036. Authorizing adjustment of the claim of Dr. George W. Ritchey)

That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of Dr. George W. Ritchey in the amount of \$8,283.39 as loss sustained through the spalling and splitting of the original 40-inch mirror which was intended for installation under contract NOd-297, dated June 5, 1931, in a telescope at the United States Naval Observatory, and to allow not to exceed \$8,283.39 in full and

final settlement of said claim. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$8,283.39, or so much thereof as may be necessary, for payment of the claim.

Mr. COCHRAN. Mr. Speaker, this identical bill became Private Act No. 153 in the Seventy-fourth Congress, approved July 22, 1935. If the pending bill is enacted, it would authorize the payment of a claim already satisfied in full. I therefore ask to strike out title XXV.

Mr. KENNEDY of Maryland. Mr. Speaker, the committee has no objection.

The SPEAKER. Without objection, title XXV will be stricken from the bill.

There was no objection.

The Clerk read as follows:

Title XXVI—(S. 1062. For the relief of James R. Young)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to James R. Young, successor to the Union Trust Co., of Raleigh, N. C., out of any money in the Treasury not otherwise appropriated, the sum of \$226.25 in full satisfaction of all claims for payment of premiums on policies of fire insurance written in 1918 by such Union Trust Co., covering certain goods of the value of \$245,000, more or less, while in the process of being laundered for the United States Army by the Model Laundry, of Raleigh, N. C.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Title XXVII—(S. 1110. For the relief of A. Randolph Holladay)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to A. Randolph Holladay, the sum of \$11,172.15, with all interest due thereon, as a refund on income tax paid by A. Randolph Holladay, and which cannot be returned because of an agreement made between A. Randolph Holladay and the Treasury Department, on form no. 866: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Committee amendment:

Page 30, lines 19 and 20, strike out "with all interest due thereon, as" and insert "in full settlement of all claims against the United States for."

The committee amendment was agreed to.

The Clerk read as follows:

Title XXVIII—(S. 1846. For the relief of the estate of Anton W. Fischer)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund, out of any money in the Treasury not otherwise appropriated, to the estate of Anton W. Fischer, late of Owatonna, Minn., the sum of \$275.98, under existing rules and regulations, said amount having been illegally collected from said estate, as stated by letter of the Commissioner of Internal Revenue dated February 7, 1923: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The SPEAKER. The question is on the engrossment and third reading of the bill (H. R. 8750) for the relief of sundry claimants, and for other purposes.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ART METAL CONSTRUCTION CO.

Mr. REED of New York. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1138) for the relief of Art Metal Construction Co. with respect to the maintenance of suit against the United States for the recovery of any income or profits taxes paid to the United States for the calendar year 1918 in excess of the amount of taxes lawfully due for such period, a companion bill to H. R. 3934, which was passed earlier in the day.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the time within which suits may be instituted by Art Metal Construction Co., a corporation organized under the laws of Massachusetts, having its principal place of business in Jamestown, N. Y., against the United States for the recovery of any income or profits taxes paid to the United States for the calendar year 1918 in excess of the amount of taxes lawfully due for said period be, and the same is hereby, extended to October 1, 1935, and jurisdiction is hereby conferred upon the Court of Claims of the United States, and it is hereby authorized and directed to hear and determine on the merits any suit commenced therein against the United States prior to October 1, 1935, for the recovery of any overpayment of such taxes, any finding, determination, judgment, rule of law, or statute to the contrary notwithstanding.

And if it shall be found in any such suit that such tax has been overpaid, the court shall render final judgment against the United States and in favor of said taxpayer for the amount of such overpayment, such judgment to be subject to review by the Supreme Court of the United States as in other cases.

Mr. REED of New York. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REED of New York: Page 2, line 1, strike out "1935" and insert "1936."

Page 2, line 5, strike out "1935" and insert "1936."

Mr. BLANTON. Mr. Speaker, will the gentleman explain the amendment?

Mr. REED of New York. When I introduced the bill I provided that suit could be brought not later than October of 1935.

Mr. BLANTON. This just changes the time?

Mr. REED of New York. That is all.

The SPEAKER. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. REED of New York. Mr. Speaker, I ask unanimous consent that the proceedings by which the similar House bill (H. R. 3834) for the relief of Art Metal Construction Co. was passed be vacated and that the bill be laid on the table.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

HILLSBORO AND WITHLACOOCHIE RIVERS, FLA.

Mr. PETERSON of Florida. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 9213) to provide a preliminary examination of the Hillsborough and Withlacoochee Rivers and their tributaries, in the State of Florida, with a view to the control of their flood waters.

The Clerk read the title of the bill.

Mr. SNELL. Mr. Speaker, reserving the right to object, to ask the gentleman a question, as I understand, this is one of the routine matters they are taking up all over the country at the present time and it really entails no additional expense.

Mr. PETERSON of Florida. That is correct. It is purely a survey bill.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination to be made of the Hillsborough and Withlacoochee Rivers and their tributaries, in the State of Florida, with a view to control of their floods, in accordance with the provisions of section 3 of an act entitled "An act to provide for control of floods of the Mississippi River, and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THE TOBACCO COMPACT BILL

Mr. COOLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 12037) relating to compacts and agreements among States in which tobacco is produced providing for the control of production of, or commerce in, tobacco in such States, and for other purposes, with Senate amendments, and concur in the Senate amendments.

The Clerk read the Senate amendments, as follows:

Page 2, line 16, after "act", insert: "Provided further, That nothing in this act shall be construed to grant the consent of Congress to negotiate any compact for regulating or controlling the production of, or commerce in, tobacco for the purpose of fixing the price thereof, or to create or perpetuate monopoly, or to promote regimentation, but such consent shall be limited to compacts for the regulation and control of production of, or commerce in, tobacco in order thereby to enable growers to receive a fair price for such tobacco"; page 6, line 3, after "Wisconsin", insert "Massachusetts, Florida"; page 7, lines 9 and 10, strike out "the crop years 1933, 1934, and 1935" and insert "any 3 normal crop years during the last 10 years"; page 7, lines 16 and 17, strike out "the crop years 1933, 1934, and 1935" and insert "such crop years"; page 7, line 19, strike out "the crop years 1933, 1934, and 1935" and insert "such crop years."

The SPEAKER. Is there objection to the request of the gentleman from North Carolina to concur in the Senate amendments?

Mr. ANDRESEN. Mr. Speaker, reserving the right to object, will the gentleman from North Carolina inform us the effect of the Senate amendments on the bill as it passed the House?

Mr. COOLEY. The House bill provided certain years to guide the Department in the allotment of a quota to Puerto Rico. In 1932 they had a hurricane in Puerto Rico that completely destroyed the tobacco crop and that was one of the years mentioned in the House bill. One of the Senate amendments strikes out this particular 3-year period and provides that any 3 normal years during the last 10 years may be used as a guide to enable the Department of Agriculture to fix the quota.

Mr. ANDRESEN. Does the amendment, then, permit Puerto Rico to enter into compacts with other States?

Mr. COOLEY. I understand it does permit Puerto Rico to enter into compacts with other States producing the same type of tobacco produced in Puerto Rico, that is the cigar-filler type of tobacco.

Mr. ANDRESEN. Does it give the Secretary of Agriculture the right to determine the allocations of production of tobacco in Puerto Rico?

Mr. COOLEY. It is my understanding that provision is left just as it passed the House.

Mr. ANDRESEN. Will the gentleman explain to the House the effect of the provision inserted by the Senate relating to monopolies created by compacts?

Mr. COOLEY. I suppose the proponent of the amendment had in mind the possibility of the compacts controlling tobacco to the extent it might result in a monopoly.

This provision will prevent that. It also seeks to prevent the unreasonable exercise of the powers which are to be exercised by the compact States and limits the consent of Congress to the compact States to control and regulate the production of tobacco only to the extent it may enable the growers to receive a fair price for the tobacco they produce. I understand further there is a Senate amendment which adds the State of Massachusetts.

Mr. ANDRESEN. Does the gentleman anticipate this compact will be in effect for more than 1 year?

Mr. COOLEY. That will depend, of course, upon the experience this year. It is not definitely certain it will be in existence this year. The States of North and South Carolina will have to pass acts similar to the act passed by the General Assembly of Virginia, and whether or not these States will act I am not in position to say at this time. However, I do hope they will act immediately so that the 1936 crop of tobacco may be controlled.

Mr. ANDRESEN. They will have to act pretty quickly.

Mr. COOLEY. Yes; that is the reason we are anxious to have this bill passed as soon as possible.

Mr. SNELL. Will the gentleman yield?

Mr. COOLEY. I yield to the gentleman from New York.

Mr. SNELL. As I understand from the explanation that has been made, there are only slight changes in terms and there is nothing that materially changes the effect and purposes of the bill?

Mr. COOLEY. The gentleman is correct.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

SOUTH DAKOTA DEMOCRATIC CLUB

Mr. HILDEBRANDT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a short address which I made before the members of the South Dakota Democratic Club of Washington.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. HILDEBRANDT. Mr. Speaker, under unanimous consent I insert in the RECORD a speech I delivered before the South Dakota Democratic Club of Washington, Monday evening, April 20, 1936.

Mr. President and members of the South Dakota Democratic Club of Washington, I want to congratulate you on the excellent organization you have effected of South Dakota Democrats living in the National Capital. I hope that it will increase in membership, and gain in strength and influence. In addition to comprising Democrats from our home State who are employed by the Government, I trust that it will expand so as to include South Dakota Democrats otherwise employed here.

In this connection, a thought occurs to me that I believe deserves emphasis. It concerns this much used and sometimes misunderstood word, "patronage." There has been so much humor—as well, at times, so much criticism—regarding patronage, that it is worth while to make sure that the word is better understood and explained. It is a serious mistake to look upon those who come to Washington from other parts of the country and receive Government appointments as being beneficiaries of favoritism and wirepulling. Their positions must not be considered "snaps." On the contrary, occupants of these appointments must possess ability, sincerity, loyalty, and honesty. The pay is generally substantial, but consistent work is required; and it cannot truthfully be said that any of the positions are "snaps." Most or all of you who hear me will agree that you have to render fair service in your various places.

An important phase of Federal appointments here is that they enable the appointees to take advantage of opportunities for education and research that they could not enjoy in any other city of the United States, except perhaps a few of the larger municipalities such as New York, Chicago, San Francisco, or Detroit. In some respects Washington is entirely unique. The Library of Congress has no equal the world over in the number of its books and the range of subjects they cover, except perhaps the library of the British Museum in London. The Washington Public Library and its numerous branches are also splendidly equipped.

The art galleries, scientific centers, and other institutions of culture and learning here are as a rule unexcelled. Many are the Government employees who utilize their spare hours after the workday in studies and research in these libraries, museums, and other institutions, or in the city's splendid schools and colleges. They are able to earn comfortable livings, to have pleasant quarters, and at the same time to gain educations that would be beyond their reach in almost any other city. A large percentage of them make full use of these fine opportunities. Those of you who hear me tonight can confirm my assertion. As an interesting example I may call attention to the number of elevator operators and Capitol policemen who in odd moments may be found poring over law books and other textbooks. Many times I have seen them deep in studies that would tax the minds of older persons. And often I felt proud of the part I had in enabling them to have

such opportunities. I was glad to have been able to render such a service—to have helped place them where they might not only have good incomes and live well but acquire the priceless possession of broad knowledge.

In addressing Democrats it is not necessary to stress the grandeur and nobility of the philosophy of Democracy. It is because we recognize this that we are Democrats. We belong to the great party of Thomas Jefferson, Andrew Jackson, William Jennings Bryan, and Franklin D. Roosevelt because it embodies the hopes, aspirations, and ideals of humanity—because it is devoted to human rights and liberties as distinguished from the greed and selfishness of exploiters and profiteers. While we look with pride on the record of our party, we must at the same time recognize our deep responsibility and duty—the duty of keeping the party true to its principles and preventing what President Roosevelt characterizes the "forces of entrenched greed" from gaining control of it. Only rarely has the party drifted away from these principles. But the corrupt and insidious elements that thrive on legalized robbery and corruption are always active. They dominate the Republican Party and have done so almost from the moment of the death of Abraham Lincoln. They would dominate the Democratic Party also if they could—and in a few unfortunate instances they have succeeded. Happily in these days they have no prospect of success, although all of us know how bitterly and savagely they have assailed the President and other champions of Democracy that is really liberal, human, and progressive.

A week ago today was the anniversary of the birth of Thomas Jefferson. Let us take new inspiration from the glorious example of the founder of our party, and pledge ourselves to adhere at all times to the immortal doctrines he wrote in the Declaration of Independence and practiced throughout his life.

EXTENSION OF REMARKS

Mr. CASEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a statement setting forth the procedure in the selection of postmasters.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. MICHENER. Mr. Speaker, reserving the right to object, may I inquire what it is the gentleman wishes to insert in the RECORD? Procedure by whom?

Mr. CASEY. By the Civil Service Commission. I have submitted this to the Civil Service Commission and they have given their approval. Instead of answering these inquiries by a long letter, I am going to send a copy of what I insert in the RECORD.

Mr. MICHENER. If the gentleman wishes to insert the procedure in reference to the selection of postmasters, he should, of course, include the procedure after the eligible list has been sent to the Post Office Department.

Mr. CASEY. That is correct.

Mr. MICHENER. This statement explains fully the persons contacted by the Department after the list of three has been submitted by the Civil Service Commission and before the recommendation is made to the President?

Mr. CASEY. It states it as fully as I know the procedure.

Mr. MICHENER. From whom did the gentleman get the information?

Mr. CASEY. From the Civil Service Commission.

Mr. MICHENER. The Civil Service Commission does not have the information, I take it, in reference to the action taken after the list reaches the Post Office Department. I shall not object, and, on the contrary, be very glad to have the gentleman insert the procedure, but I will object unless he inserts the procedure followed by the Post Office Department after the list of three eligibles is submitted.

Mr. VINSON of Kentucky. Does the gentleman from Michigan feel he should tell the distinguished gentleman from Massachusetts what he should insert in the RECORD in connection with a matter of this kind?

Mr. MICHENER. Yes; I do. If any of the procedure is given, all should be given.

Mr. VINSON of Kentucky. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. MICHENER. Mr. Speaker, I object.

Mr. KENNEY. Mr. Speaker, I make the point of order that the objection comes too late.

The SPEAKER. The Chair does not think so. The gentleman from Michigan reserved the right to object.

Mr. KENNEY. I understood the request was granted when the gentleman from Michigan rose in the rear of the Chamber and started asking some questions.

The SPEAKER. The Chair thinks, perhaps, technically the gentleman may be correct, but the Chair does not wish to be too technical in the matter. The point of order is overruled.

SERGEANT BOIKO, THE REAL HERO

Mr. SMITH of Connecticut. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. SMITH of Connecticut. Mr. Speaker and Members of the House, yesterday there was buried in Arlington National Cemetery one of the greatest heroes of the late war, Sgt. Michael Boiko. He was not so well known as some others perhaps, but was surpassed by none in bravery and devotion to duty.

Born in Russia, Sergeant Boiko came to this country as a youth and enlisted in our National Guard before he had finally qualified for citizenship. He served on the Mexican border in 1916 with the Connecticut National Guard and went to France with his unit, then part of the Twenty-sixth Division, in September 1917.

Through all the major engagements up to the armistice the division fought and through it all the bravery of Sergeant Boiko stands out. In one advance he volunteered to attempt to silence a machine-gun nest which was holding up the advance of his company, and, crawling forward alone, under heavy fire, he put the nest out of action, although armed only with his pistol.

On another occasion in an advance, after all his officers were killed or disabled, he took command of his company and continued to advance until there were left alive only 19 men of the 150 he started with. On different occasions he was gassed, his eyesight damaged by shell fragments, and his side pierced by machine-gun fire.

Our own and allied Governments decorated him with various citations and medals, including the Distinguished Service Cross, the Croix de Guerre, the Purple Heart, and the Silver Star. I quote from the citations which accompanied his decorations:

DISTINGUISHED SERVICE CROSS CITATION

Michael Boiko, former sergeant, One hundred and Second Infantry, Twenty-sixth Division: For exceptional heroism in action at Marcheville, September 26, 1918. When the advance of his company was temporarily halted by machine-gun fire, Sergeant Boiko volunteered to flank the nest and put the guns out of action. Although under intense fire, Sergeant Boiko, utterly disregarding his own personal danger, crawled out from the lines and worked his way to a favorable position where enfilade fire could be delivered and with his pistol silenced the guns, capturing them and a portion of the enemy gun crews, thus enabling his company to make further advance.

THE SILVER STAR CITATION

For gallantry in action near Bois de Ormont, north of Verdun, October 23 and 29, 1918.

THE PURPLE HEART CITATION

For wound in action July 22, 1918.

FRENCH CROIX DE GUERRE WITH PALM

He always displayed the greatest bravery. On October 25, 1918, in the Reine Wood, Verdun, having taken command of the company when the officer was wounded, he continued to lead the attack until all his men were either killed or disabled.

But, after the war, Sergeant Boiko found himself in a world which no longer wanted him. Partly disabled, not enough to receive compensation sufficient to support himself, his wife, and child, but disabled enough to prevent his obtaining employment in these hard years, he could see but one way out. His death would at least give his wife and child the benefit of his small amount of insurance.

The coroner's verdict was suicide.

The Veterans' Administration considers suicide misconduct and refuses pension to the widow of the veteran in such cases.

Mr. Speaker, the service of this Nation, the defense of his adopted country, caused the death of Sergeant Boiko just as surely as though it had occurred on one of the many battle-

fields where he fought so bravely. If the interpretation of the present law will not allow the payment of pension to his dependents, the law or its interpretation must be changed so that relief will be granted in these cases.

A WEST POINT FOR THE CIVIL SERVANT

Mr. DISNEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. DISNEY. Mr. Speaker, I offer as an extension of my own remarks an article by me appearing in the Christian Science magazine section on April 8 entitled "A West Point for the Civil Servant":

Feudalism, dueling, witchcraft, human slavery have gone by the board. We thought our way out of them. A few of our superstitions, too! It is inconceivable that we may, and inevitable that we must, think our way out of bigotry, hatred, war, and depression. Even the cynics would concede that the effort to do so is worth while—that there is glory even in trying.

The battle plan is not necessarily one of armies, navies, or air forces; mental and moral cooperation for a better world order is the prime requisite. From principle has flowed the world's mental progress, and from principle it will still proceed.

All over the land the cry has gone up for better service. Training for public service! For the Nation and the world! How noble and comprehensive it sounds! How can we apply it with wisdom and patience to the daily needs of people and nations? What practical suggestions offer to breast the opposition to things new and out of the regular channel?

The doctor, the lawyer, or the engineer is expected to undergo a long period of training before he practices his profession. The plumber, the carpenter, the bricklayer is expected to serve an apprenticeship before he is master of his trade. In this age of specialization the craftsman or the professional man, to be respected in his line, must qualify by training and experience. Before he can regularly engage in his occupation he must undergo intensive preparation. Complexity requires such skilled training, and all concede its desirability and its necessity.

But, through some strange and unaccountable quirk of the public mind, such reasoning does not apply to those engaged in public service. All sorts of obstacles stand in the way of the development of the profession of civil servant. The slow and expensive school of hit-and-miss experience has trained (or not trained) too many public officials. We have used the trial-and-error method—trial while one administration has been in office and error of the individual's being swept out later by the spoils system. For instance, local elections often turn on the supposed convictions of the candidates with regard to, say, war debts, the tariff, the League of Nations, prohibition, and other matters unrelated to the proper selection of the elective or appointive officer. Fitness is often forgotten.

The Army has its West Point and the Navy its Annapolis for the training and education of two of the most highly respected and efficient personnels to be found anywhere in the world. It is economic good sense to have similar and comparable training and education for those who administer our domestic affairs and treat the diplomatic issues abroad.

No system of training is found in our governmental scheme of things for the diplomatic and administrative career service comparable to the specialization for force on land and sea, exemplified by West Point and Annapolis. Incredible! But it is not enough to inquire why, but to point out how the lapse may be rectified.

I have proposed a national academy of public affairs to be located at Washington, the nerve center of the Government of the Nation.

West Point and Annapolis are world-wide in their implications and acceptance. The military leaders on either side of our only Civil War were graduates of West Point. In the World War a West Pointer commanded the Army, and Annapolis produced the admirals. The academy of public affairs, had it been established a few generations ago, conceivably would have produced the diplomatic brains for our part in the World War.

By the terms of the bill introduced by the writer (H. R. 11225) there would be established in Washington, where the Father of his Country visualized a great American university, a national academy of public affairs. Its function would be the education of young Americans in diplomatic and administrative career service—specialized civil servants. The school would be free of charge, coeducational, nonsectarian, and nonpartisan, operated by a board composed of certain Cabinet members; namely, the Secretaries of State, Treasury, Interior, Commerce, Agriculture, and Labor.

The Cabinet members, while politically selected, have almost uniformly in the last half century been appointed by reason of their attainments in various walks of life. Without exception, the Presidents of both political parties have sought to rise above party politics in the selection of their intimate advisers in the Cabinet. So the board of supervisors for the academy would be composed of outstanding American citizens with a broad comprehension of the needs of the Nation. This board would select the faculty, officers, would prescribe the course of study, entrance requirements, and regulate the conduct of the academy. It would

also determine whether the school should be a postgraduate institution, and fix the term required for graduation.

The general idea is to create an institution for metaphysical purposes, comparable in plan, form, and intentment to Annapolis and West Point, which are so high in public esteem in America and the world. Young America clamors for the honor and recognition of appointments to these two academies. Young America's parents are proud to have the honor conferred upon their sons. Visualize expectant American youth eager to enter the national academy of public affairs, an institution not of force but of mental defense.

The courses of study would, of course, be developed as the institution grew in public opinion and experience. It would be logical to anticipate that the curriculum would include language, history, and Government. Economic history, sociology, international law, the structure and functions of Government, both domestic and foreign, would naturally have a place. Political history, the study of political parties, statistics, the principles of public administration, and finance, also, social and economic planning, Government accounting, public-welfare administration, diplomatic study of public opinion, and world trends of civilization, modern, medieval, and ancient, would properly come within the range of study prescribed for students at the academy.

The selection of the students by the President, Senators, and Congressmen is provided. It cannot properly be said there is any political taint in that system. It has been in vogue for generations in the selection of candidates to West Point and Annapolis, and has been uniformly successful, producing a high order of scholarship. It guarantees a broad cross-section of the whole population of the States better than any other plan would or could. This tested means of selection has general public approval—it would not seem wise to deviate from such a plan. It has a historic background of national acceptance.

Why spend the public money in this manner? Why are not the endowed colleges and State universities doing or capable of doing the same training contemplated by the academy? There is a quick answer—we have many military academies in America—yet none of them approach the standing of West Point. The R. O. T. C. units in the college can never hope to compete with the Military Academy. West Point and Annapolis represent "the Government." National and world opinion would favorably receive an official institution and its graduates; it has been slow to accept the private or State institution and its product for the particular capacity under discussion. Training for "the Government" should be training by "the Government." The civil servant who would graduate from the academy would receive recognition the world over, because of the very fact that his training came under the direction of the Nation itself. In 150 years of national life, no college, no matter how popular it may have become along other lines, has achieved any considerable or outstanding reputation for the training of the civil servant.

The location of an academy of public affairs in Washington would assure the student ample contact with the realities of government and administration, and prevent overemphasis of the theoretic and academic. It would open up a large and highly important field to able young people. Thousands would dedicate their lives to the ideals which the institution would represent. Changing social conditions require new means of attacking new problems; changing world conditions justify another look in the direction for the public service. From the broad cross section of American life, from which it would be selected, the student body would represent imagination and foresight coupled with native ability, broad training and discipline in judgment, initiative, decision, foresight, and expression which would give the academy and its graduates a high place in thoughtful public opinion in America and in the world.

It should be one more nail in the coffin of the spoils system. The realist as well as the idealist should approve. Each administration has its "brain trusters" whose work is crippled by the political shafts aimed at them. Conceivably, we might by this movement, amongst others, develop an administrative personnel that would obviate the need to draft dollar-a-year men or "brain trusters" when serious emergencies arise.

Our Diplomatic Service is remarkably lacking in career-service personnel. To say the least, graduates of the academy of public affairs would have special training to fit them for the diplomatic service, and from that should grow outstanding examples of trained and poised American diplomacy. It has been said that America never lost a war nor won a conference. The day must come when she must attain success in the field of diplomacy as she has in war and in business.

Graduates of the institution would not necessarily remain in the service of the Federal Government. All graduates of the Naval and Military Academies do not. Many of them would likely enlist in the rank of municipal and State governmental service. Their training would make them desirable. There are foreign fields to which they might attain. We might even elect some of them to Congress or to governorships.

Fifteen hundred scholars run the British Government. The British civil service, impervious to politics, and by law forbidden to participate therein, has attained such a high standing that it is an insult to assert its integrity. Britain has arrived at this stage by slow and painful progress, when we think of the parliamentary corruption of, say, the time of the Pitts. America will, of course, come into her own in that regard, but the outstanding reputation of the academy would bring us to that stage decades sooner than otherwise, because in a few years it would be so entrenched in the hearts and minds of the American people that

its atmosphere and its graduates would be accepted not only in America but the world over. It would soon couple the practical with the sentimental.

We are evidently undergoing a renaissance of political thought in America. One achievement of this renaissance might conceivably be the establishment of the national academy of public affairs. The end sought is not the education of human robots but leadership in the inevitable new world order.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. SHANNON, indefinitely, to attend funeral of a friend.

To Mr. ROBSON of Kentucky, indefinitely, on account of illness.

To Mr. LARRABEE (at the request of Mr. GRISWOLD), indefinitely, on account of important business.

To Mr. ELLENBOGEN, for 3 days, on account of illness in family.

Mr. BANKHEAD. Mr. Speaker, I move that the House do now adjourn.

Mr. CASEY. Will the gentleman withhold that for a moment?

Mr. BANKHEAD. I withhold the motion so that the gentleman may submit a request.

PROCEDURE IN THE APPOINTMENT OF POSTMASTERS

Mr. CASEY. Mr. Speaker, I renew my request to extend my remarks in the RECORD and to include therein a statement setting forth the procedure in the selection of postmasters.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD by printing a statement of his own relative to the appointment of postmasters. Is there objection?

Mr. MICHENER. Mr. Speaker, reserving the right to object, I objected a moment ago because I asked the gentleman making the request whether or not he set forth the complete procedure followed by the Post Office Department after a list of three eligibles is submitted to the Post Office Department. He now states that the complete procedure is included, and the gentleman has shown me the statement which he desires to insert. It would appear that the procedure following the examination and after the names have been submitted to the Post Office Department is stated in full; therefore, I have no objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CASEY. Mr. Speaker, under the permission granted me to extend my remarks in the RECORD, I include the following facts which applicants and others who are interested in the appointment of postmasters should know:

CLASSES OF POST OFFICES

Post offices are divided into four classes: First, second, third, and fourth.

The fourth class are those offices where the business does not warrant a salary of \$1,100 a year and where the postmasters are paid compensation dependent upon the stamp cancellation in the office.

The third class are those offices where the salary paid is \$1,100 to \$2,300 per year, inclusive.

The second class are those offices where the salary is \$2,400 to \$3,100 per year, inclusive.

The first class are those offices where the salary is \$3,200 per year and above.

All appointments of postmasters of the first, second, and third classes are made by the President and are subject to confirmation of the Senate.

EXAMINATION OF APPLICANTS

The method of selecting these postmasters has been set forth in an Executive order issued by the President, dated July 12, 1933.

Briefly stated, this Executive order provides that post-office appointments shall be made in the following manner: When a vacancy occurs, notice of an examination in published

and all applicants must file, on or before a given date, an application with the United States Civil Service Commission. An examination and investigation is then conducted by the United States Civil Service Commission. Thereafter the United States Civil Service Commission certifies to the Post Office Department not more than three eligibles, which means the three applicants who receive the highest ratings in the examination conducted by the Civil Service Commission.

No applicant, however, can be considered eligible unless he has received a passing mark of 70 percent. If only one or two applicants have received a passing mark of 70 percent, then it may be possible for only one or two eligibles to be found in a given examination. The rule for certifying three eligibles applies where three or more have passed the examination, and in such a case the three highest are the eligibles submitted by the United States Civil Service Commission.

These examinations and investigations are conducted impartially without personal or political influence of any character.

In the case of postmasters for the first- and second-class offices, the Civil Service Commission, in addition to the requirement that each applicant file a comprehensive questionnaire, conducts a careful inquiry through the leading patrons of the post office as to the standing, as a representative citizen, of each applicant. This examination consists of obtaining information as to the extent of his acquaintanceship with the community, its problems, and its citizens, his influence and activities in the community, and the opinions of business men as to his character and ability—in a word, to learn the representative character of his citizenship.

In addition the questionnaire inquires carefully into the extent the applicant has had experience of an administrative character. It is the view of the United States Civil Service Commission that postmasters for first- and second-class offices should be not only representative citizens of the community but should have established a reputation for personal integrity, financial stability, and have had actual experience in an administrative capacity. Therefore, inquiries are made as to whether or not and how many persons have been employed by the applicant, what kind of business he has conducted, his experience in managing employees in order to protect the public against infractions of the discipline provided for postal employees, his knowledge of keeping bank accounts and records, and of the preparation of statements—financial, statistical, and so forth. After a survey of all these factors is made, each applicant is given a rating, and the three highest eligibles are certified to the Post Office Department.

As to postmasters of the third class, a somewhat different examination is conducted. In the third class it is assumed that the postmaster must be his own clerk, distributor of the mail, and perform the general duties within the post office. Therefore a written examination is conducted to test the training and clerical ability of each applicant for the purpose of finding out his mental capacity to perform the clerical and supervisory duties of the office. A third-class office may have no employees except the postmaster and a clerk, and therefore the postmaster must keep the records and perform practically all the other duties. It is not necessary to have more than a good general education in order to qualify. If one receives less than a passing mark in this class, it is a determination that he has not the capacity to perform efficiently the duties of the office, although he may or may not have received a majority of favorable reports as to his reputation and standing from those in the community where the post office is located.

FOURTH-CLASS OFFICES

Fourth-class postmasters come within the competitive classified civil service. On October 15, 1912, the President issued an order classifying under the Civil Service Act and rules fourth-class postmasters not theretofore so classified. That order was amended by the President on May 7, 1913 and

again on June 3, 1921. The order, as amended, requires that all appointments (except those in Alaska, Canal Zone, Guam, Hawaii, Philippines, Puerto Rico, and Samoa) at fourth-class offices where the compensation is \$500 a year or more shall be made from certification after examination by the Civil Service Commission; provided, that in the event there are fewer than three applicants the Commission may, in its discretion, authorize selection in the same manner as provided for offices with annual compensation of less than \$500. Where the compensation is less than \$500, all appointments shall be made on the recommendation of post-office inspectors after personal investigation, subject to prescribed regulations.

PROCEDURE FOLLOWING EXAMINATION

After the eligibles are certified by the Civil Service Commission to the Post Office Department, that Department is then ready to receive recommendations before making its nomination to the President. Usually recommendations from the Congressmen and Senators of the same political faith as the administration are invited. In turn Senators and Congressmen usually ask for recommendations from local committees, organizations, and citizens.

It should be borne in mind that no amount of personal or political influence is of any avail to a candidate until after the civil-service examination is reported, and even then no amount of personal or political influence will aid any candidate unless he is one of the three highest eligibles. The President has stated through his Executive order that he will appoint one of these three eligibles, someone from the classified civil service or the present postmaster. If the present postmaster is reappointed no further examination is necessary. If a person in the classified service is selected, such person must first be found eligible in a noncompetitive examination given by the Civil Service Commission.

The civil-service examinations give applicants an opportunity to meet the standards and requirements which the President has fixed for the guidance of the Civil Service Commission and as preliminary to receiving an appointment. These civil-service rules and regulations are a part of the Presidential order. While there have been some slight changes in them, in substance they are the same rules and regulations that have guided the appointments of postmasters since the latter part of the Wilson administration. Previous to that time the appointments of postmasters were made without any civil-service examination being required, the appointments being chiefly upon political recommendations.

AGE AND RESIDENCE QUALIFICATIONS

No one over 66 years of age and no one who has not been an actual resident patron of the post office—not necessarily a citizen of the township where several post offices are located—for 1 year before filing application, is eligible to compete in examinations.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 35. Concurrent resolution to provide for the printing of the revised edition of the Constitution of the United States of America (annotated); to the Committee on Printing.

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 4387. An act conferring jurisdiction upon the United States District Court for the Western District of Michigan to hear, determine, and render judgment upon the claim of Barbara Backstrom.

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 3258. An act to amend section 304 of the Revised Statutes, as amended.

S. 3395. An act to authorize the acquisition of the railroad tracks, trestle, and right-of-way of the Gulf Power Co. at the naval air station, Pensacola, Fla.;

S. 3413. An act to give effect to the convention between the United States and certain other countries for the regulation of whaling, concluded at Geneva, September 24, 1931, signed on the part of the United States, March 31, 1932, and for other purposes;

S. 3669. An act providing for the suspension of annual assessment work on mining claims held by location in the United States;

S. 3720. An act to authorize the Secretary of the Navy to accept on behalf of the United States the bequest of the late Henry H. Rogers, and for other purposes; and

S. J. Res. 233. Joint resolution providing for the participation of the United States in the Great Lakes Exposition to be held in the State of Ohio during the year 1936, and authorizing the President to invite the Dominion of Canada to participate therein, and for other purposes.

ADJOURNMENT

Mr. BANKHEAD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 42 minutes p. m.) the House adjourned until tomorrow, Thursday, April 23, 1936, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

802. A letter from the chief examiner of the United States Civil Service Commission, transmitting a schedule of useless papers in the files of the Commission in Washington and in certain field offices which are not needed in the transaction of public business and which are of no permanent value or historic interest, with the request that appropriate action be taken to enable the Commission to destroy the papers described; to the Committee on Disposition of Executive Papers.

803. A communication from the President of the United States, transmitting for the consideration of Congress supplemental estimates of appropriations for the Treasury Department for the fiscal year 1936, \$71,000, and for the fiscal year 1937, \$265,000,000, amounting in all to \$265,071,000, together with a draft of a proposed provision pertaining to an existing appropriation (H. Doc. No. 471); to the Committee on Appropriations and ordered to be printed.

804. A communication from the President of the United States, transmitting for the consideration of Congress a supplemental estimate of appropriation for the Department of the Interior for the fiscal year 1936 amounting to \$24,000, together with a draft of a proposed provision pertaining to an existing appropriation (H. Doc. No. 470); to the Committee on Appropriations and ordered to be printed.

805. A communication from the President of the United States, transmitting for the consideration of Congress estimates of appropriations for the Social Security Board for the fiscal year 1937 amounting to \$195,800,000, inclusive of amounts required for the remainder of the current year (H. Doc. No. 472); to the Committee on Appropriations and ordered to be printed.

806. A communication from the President of the United States, transmitting for the consideration of Congress a proposed provision pertaining to existing appropriations for the Navy Department for the fiscal year 1936, to authorize transfers, aggregating \$24,000, from certain appropriations to the appropriation for the maintenance and operation of the naval training station at Norfolk, Va. (H. Doc. No. 473); to the Committee on Appropriations and ordered to be printed.

807. A communication from the President of the United States, transmitting for the consideration of Congress supplemental estimates of appropriations for the Federal Trade Commission and the General Accounting Office for the fiscal years 1936 and 1937, amounting to \$509,000 (H. Doc. No.

474); to the Committee on Appropriations and ordered to be printed.

808. A communication from the President of the United States, transmitting, for the consideration of Congress, a supplemental estimate of appropriation for the Executive Office for the fiscal years 1936 and 1937, amounting to \$78,000 (H. Doc. No. 335); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. THOMAS: Committee on Public Buildings and Grounds. H. R. 12076. A bill for the exchange of land in Hudson Falls, N. Y., for the purpose of the post-office site; without amendment (Rept. No. 2477). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLAND: Committee on Merchant Marine and Fisheries. S. 1379. An act to amend section 103 of the Code of Criminal Procedure for the Canal Zone and section 542 of the Code of Civil Procedure for the Canal Zone; with amendment (Rept. No. 2478). Referred to the Committee of the Whole House on the state of the Union.

Mr. MERRITT of New York: Committee on Military Affairs. S. 3737. An act to authorize the Secretary of War to acquire by donation land at or near Newburgh, in Orange County, N. Y., for aviation field, military, or other public purposes; without amendment (Rept. No. 2479). Referred to the Committee of the Whole House on the state of the Union.

Mr. GILLETTE: Committee on Foreign Affairs. House Joint Resolution 499. Joint resolution authorizing and requesting the President to extend to the Government of Sweden and individuals an invitation to join the Government and people of the United States in the observance of the three hundredth anniversary of the first permanent settlement in the Delaware River Valley, and for other purposes; without amendment (Rept. No. 2480). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. CARPENTER: Committee on Indian Affairs. H. R. 12408. A bill for the relief of Robert D. Baldwin; without amendment (Rept. No. 2481). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (S. 3516) for the relief of Alice D. Hollis; Committee on Claims discharged, and referred to the Committee on Foreign Affairs.

A bill (S. 3692) for the relief of William T. J. Ryan; Committee on Claims discharged, and referred to the Committee on Military Affairs.

A bill (S. 4135) for the relief of Helen Curtis; Committee on Claims discharged, and referred to the Committee on Foreign Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLOOM: A bill (H. R. 12410) to amend section 8 of the act entitled "An act to establish a National Archives of the United States Government, and for other purposes", approved June 19, 1934; to the Committee on the Library.

By Mr. McANDREWS: A bill (H. R. 12411) to improve the efficiency of the Postal Service and increase the speed of its

operations; to the Committee on the Post Office and Post Roads.

By Mr. McGROARTY: A bill (H. R. 12412) to provide for the construction of a post-office building at Canoga Park, Calif.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12413) to provide for the construction of a post-office building at Lancaster, Calif.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12414) to provide for the construction of a post-office building at Burbank, Calif.; to the Committee on Public Buildings and Grounds.

By Mr. MARTIN of Colorado: A bill (H. R. 12415) to cancel a specific class of rehabilitation loans against farmers in the drought area as an obligation against the recipients and their property; to the Committee on Agriculture.

By Mr. THOMAS: A bill (H. R. 12416) to authorize funds for the prosecution of works for flood control against flood disasters along the Battenkill in New York; to the Committee on Flood Control.

By Mr. WHELCHER: A bill (H. R. 12417) to prevent the Government from manufacturing and selling stamped envelopes; to the Committee on the Post Office and Post Roads.

By Mr. THOMAS: A bill (H. R. 12418) to authorize funds for the prosecution of works for flood control against flood disasters along the Mettowie River in New York; to the Committee on Flood Control.

By Mr. BLAND: A bill (H. R. 12419) to apply laws covering steam vessels to seagoing vessels of 300 gross tons and over propelled by internal-combustion engines; to the Committee on Merchant Marine and Fisheries.

By Mr. DINGELL: A bill (H. R. 12420) to amend chapter 61 of the act of February 7, 1920 (36 Stat. L. 901), and sections 450, 451, 452, 453, and 454 of the Tariff Act of 1930 (41 Stat. L. 402) so as to provide for the elimination of discriminations in payment of overtime as between employees of the Bureau of Customs on seaboards and on the Great Lakes, and for other purposes; to the Committee on Ways and Means.

By Mr. MONAGHAN: A bill (H. R. 12421) to amend the act approved June 19, 1934, entitled the "Communications Act of 1934"; to the Committee on Interstate and Foreign Commerce.

By Mr. CALDWELL: A bill (H. R. 12422) to cancel certain unpaid interest accrued on loans secured by adjusted-service certificates; to the Committee on Ways and Means.

By Mr. CONNERY: A bill (H. R. 12423) to provide equal opportunities under the 10-percent differential for night work and overtime pay for work in excess of 8 hours for employees of the Custodial Service of the United States Post Office Department, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. QUINN: A bill (H. R. 12424) to provide for examination and registration of those engaging in the occupation of beauty culture; to the Committee on the District of Columbia.

By Mr. SCOTT: A bill (H. R. 12425) to amend section 80 of chapter 9 of an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898; to the Committee on the Judiciary.

By Mr. DEROUEN: A bill (H. R. 12426) authorizing the payment of certain salaries and expenses of employees of the General Land Office; to the Committee on the Public Lands.

By Mr. PETERSON of Florida: A bill (H. R. 12427) to provide for the establishment of a Coast Guard station at or near Pass-A-Grille Beach, Fla.; to the Committee on Merchant Marine and Fisheries.

Also, a bill (H. R. 12428) to provide for the establishment of a Coast Guard station at or near Clearwater Beach, Fla.; to the Committee on Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACON: A bill (H. R. 12429) authorizing the President of the United States to award a medal of honor to Capt. Einar W. Sundstrom; to the Committee on Merchant Marine and Fisheries.

By Mr. COLDEN: A bill (H. R. 12430) granting a pension to Vera E. Bryant; to the Committee on Pensions.

By Mr. CROWTHER: A bill (H. R. 12431) granting compensation to John Voorhees; to the Committee on Claims.

By Mr. DISNEY: A bill (H. R. 12432) granting a pension to Ellen Thompson; to the Committee on Pensions.

Also, a bill (H. R. 12433) granting a pension to Caroline Danforth; to the Committee on Pensions.

By Mrs. JENCKES of Indiana: A bill (H. R. 12434) granting a pension to Elmer S. Laymon; to the Committee on Pensions.

By Mr. KENNEDY of Maryland: A bill (H. R. 12435) for the relief of Pompeo Ercolano; to the Committee on Immigration and Naturalization.

By Mr. McGEHEE: A bill (H. R. 12436) for the relief of Gullidge Lumber Co.; to the Committee on Claims.

By Mr. O'LEARY: A bill (H. R. 12437) to confer jurisdiction on the Court of Claims to hear and determine the claim of New York Harbor Drydock Corporation; to the Committee on Claims.

By Mr. SCHULTE: A bill (H. R. 12438) for the relief of Philipina Baca Klemencic; to the Committee on Immigration and Naturalization.

By Mr. SULLIVAN: A bill (H. R. 12439) for the relief of Herman Urist; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 12440) for the relief of Minnie Urist; to the Committee on Immigration and Naturalization.

By Mr. THOMAS: A bill (H. R. 12441) granting an increase of pension to Eliza Hoag; to the Committee on Invalid Pensions.

By Mr. WITHROW: A bill (H. R. 12442) granting an increase of pension to Louisa Reynolds; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10764½. By Mr. GOODWIN: Petition of 55 residents of the city of Kingston, N. Y., and vicinity, urging support of the Wheeler-Crosser bill (S. 4174 and H. R. 11609); to the Committee on Interstate and Foreign Commerce.

10765. By Mr. HAINES: Resolution from Farmer-Labor Party of York County, Pa., protesting against the policies of the Works Progress Administration and urging that all Works Progress Administration workers who lost their jobs be reinstated; to the Committee on Banking and Currency.

10766. By Mr. RICH: Petition of citizens of Bradford, Pa., favoring the Wheeler-Crosser bill (H. R. 11609); to the Committee on Interstate and Foreign Commerce.

10767. By the SPEAKER: Petition of the Brotherhood of Railway and Steamship Clerks; to the Committee on Interstate and Foreign Commerce.

SENATE

THURSDAY, APRIL 23, 1936

(Legislative day of Monday, Feb. 24, 1936)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, April 22, 1936, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. ROBINSON. I suggest the absence of a quorum.
The VICE PRESIDENT. The clerk will call the roll.